

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21706 of 2024

Arising Out of PS. Case No.-906 Year-2023 Thana- MANER District- Patna

Jai Kumar Nirala, S/o Ramayan Rai, R/o Village Khaspur, P.S Maner, District
-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoranjana Kumar, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Maner P.S. Case No. 906 of 2023, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 353, 307, 427, 186, 332, 333, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the police received information about fighting between two groups and when it reached the spot, it found brick batting taking place between two groups. While police was making inquiry, the petitioner, the Ex-mukhiya of the village came and instigated his family members and others to assault the police party. The petitioner tore the dress of the informant and damaged the police vehicle.



They also assaulted the police party.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with two warring groups and he has been falsely implicated in this case in connivance with one Bodhnath Rai who is the husband of the present Mukhiya. The petitioner is husband of the Ex-mukhiya of Khaspur Panchayat. Earlier wife of the petitioner has made a complaint against said Bodhnath Rai but the police did not take any action and the petitioner was constrained to inform the higher officials about non-action by the local police. For this reason, the local police was much annoyed with the petitioner and for this reason the petitioner has been implicated in the present case. Learned counsel further submits that from the facts of the case, no offence u/s 307 I.P.C. is made out and the injury of the informant and other police personnel are stated to be tenderness, body ache, swelling etc. which show the injuries are completely non-serious. Therefore, the allegations are not believable for assault on the police party by the petitioner and others. The petitioner is in custody since 27.12.2023. Learned counsel further submits that though the petitioner has been made accused in number of cases but all the cases are for non-serious



allegations due to political activities of the petitioner and his wife. The charge sheet has been submitted in this case.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against this petitioner that he instigated and he himself assaulted the police party. Learned APP further submits that the petitioner appears to be a habitual offender and is having altogether 9 cases in his criminal antecedent.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation, the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Danapur (Patna), in connection with Maner P.S. Case No. 906 of 2023, subject to the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or



in violation of the terms of the bail, the bail bond of
the petitioner will be liable to be cancelled by the
court concerned.

(Arun Kumar Jha, J)

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