

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43153 of 2015

Arising out of PS.Case No. -77 Year- 2007 Thana -RAJPUR District- EAST
CHAMPARAN(MOTIHARI)

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Manoj Kumar Gupta @ Manoj Sah @ Manikant Ji, son of Jagat Sah,
Resident of Village- Chandi Asthan, P.S.- Govindganj, District- East
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 18.04.2015
in connection with Rajepur P.S. Case No. 77 of 2007 for the
offences instituted under Sections 147, 148, 149, 341, 342, 353,
324, 326, 307, 302 of the IPC. Subsequently, Sections 27 of the
Arms Act and 17 of the C.L.A. Act were also added.

The prosecution story, in brief, is that on 19.12.2007 at
about 11.30 A.M. the informant got a secret information that some
miscreants were planning to make attack on any police station and
then he alongwith police force proceeded to *Laxaminia* and
thereafter both the parties resorted to firing and cross-firing
resulting into death of three police personnels and some
miscreants also.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has been made accused due to mistake of fact. The petitioner is not named in the FIR. The only material is the confession of the petitioner before the police. The other co-accused named in the FIR have been granted bail by this Hon'ble Court vide Annexure-2 series to the present application. It is further submitted that the petitioner may be released after completion of nine months in custody from 18.04.2015.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner may be released on bail after completion of nine months in custody from 18.04.2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana at Motihari, East Champaran, in connection with Rajepur P.S. Case No. 77/2007.

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(Sudhir Singh, J)