

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30549 of 2018

Arising Out of PS.Case No. -192 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Manoj Choubey son of Ghasi Chaubey Resident of Village Kharab, P.S. -
Bhabhua, District - Kaimur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Durgawati P.S. Case No.192 of 2017 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation is that this petitioner and other accused
persons had followed the husband of the informant on a
motorcycle and thereafter they killed him.

It has been submitted that this petitioner has been
falsely implicated in the present case due to previous enmity. He
has no concern with the occurrence. The informant is not an eye
witness of the occurrence. Tahlu Pandey and Banti Singh were



apprehended and they confessed that they had committed murder of deceased. It further appears that the deceased sustained two firearm injuries. Further submission is that the said Tahlu Pandey, Radheshyam Pandey and Chandan Sah have been granted bail by different benches of this court in Cr.Misc.No.21366 of 2018 and Cr.Misc.No.10890 of 2018. The case of the petitioner stands on similar footing. He is in custody since 27.11.2017 and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No.192 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the



disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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