

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39211 of 2018**

Arising Out of PS. Case No.-210 Year-2018 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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Manoj Kumar Singh @ Manoj Singh S/o Yugeshwar Singh, R/o Wardu..  
Baghi, Ardlpur, P.S.- Muffasil, Distt.- Samastipur ... Petitioner  
Versus

The State of Bihar ... Opposite Party

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**Appearance :**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the Petitioner | : | Mr. Amresh Kumar Sinha, Adv.       |
| For the State      | : | Mr. Surendra Prasad Singh, APP 143 |
| For the informant  | : | Mr. Dilip Kumar Roy, Adv.          |

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      06-09-2018                      Heard the learned counsel for the petitioner, the  
  
learned counsel for the informant and the learned counsel  
  
appearing for the State.

Petitioner, who is languishing in judicial custody  
since 18.04.2018, seeks bail in connection with Muffasil P.S.  
Case No. 210 of 2018 for offences alleged under Sections 302  
and 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is  
that while his father was returning home after having evening  
tea in the market, the petitioner along with other named accused  
and some other unknown persons fired on him as a result he  
succumbed to the injuries.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and although he was an accused in  
one case in 2002, he has already been acquitted. The petitioner,



further, submitted that both the sides are agnates and had a land dispute and because of that petitioner has been made accused only on suspicion. He submits that there is no eye witness to the alleged occurrence and although seven persons named and some unknown persons is alleged for opening fire in the first information report, the post mortem report bears only one injury of exit and entry. He, further, submits that charge sheet has already been submitted and there is no allegation of tampering of prosecution witness.

However, learned counsel appearing on behalf of the informant and learned counsel appearing for the State oppose the prayer for bail stating therein that because of enmity due to land dispute between the parties, the petitioner along with others have killed the informant's father.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Muffasil P.S. Case No. 210 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, V, Samastipur, subject to the following conditions :



(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Shamshad/-

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