

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52439 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- PARSAUNI District- Sitamarhi

Manish Kumar S/o Ram Babu Singh, R/o Vill.- Andahara Ward No. 16, P.S.-
Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Smt. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Parsauni P. S. Case No. 71 of 2017 registered for the offences punishable under Sections 302, 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this petitioner is not named in the FIR. The informant has disclosed that one Shri Niwas Chaudhary is the person who had given the knife blow. So far as the name of this petitioner is concerned, it transpired in the confessional statement of co-accused Alok Kumar. It is stated that said Alok Kumar and other co-accused namely, Murari Kumar have been granted regular bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 7572



of 2018 and 23556 of 2018. It is further submitted that the petitioner has got one case vide Sitamarhi P. S. Case No. 999 of 2017 under Section 394 of the Indian Penal Code in which he is on bail. However, the particulars of the order by which bail has been granted has not been disclosed.

Learned APP for the State has opposed the prayer of bail.

Considering the facts and circumstances wherein the petitioner's name has transpired in the confessional statement of co-accused Alok Kumar who has already been granted bail by a learned co-ordinate Bench of this Court vide order as contained in Annexure-2, let the petitioner Manish Kumar be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Parsauni P.S. Case No. 71 of 2017, subject to the conditions that prior to issuing the release order the court below shall verify that the petitioner has been granted regular bail as claimed by the petitioner in Sitamarhi P. S. Case No. 999 of 2017 registered under Section 394 IPC and only after being satisfied the release order shall be issued. This will be further subject to the condition that the petitioner shall provide one bailor from his



family members having no criminal antecedent and co-operate in course of trial by putting appearance on each and every date. Two consecutive failure to attend the court below in course of trial without any valid reason shall result into cancellation of bail without any application on behalf of the prosecution. These conditions are in addition to the condition laid down under Section 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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