

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46620 of 2018

Arising Out of PS.Case No. -86 Year- 2018 Thana -CHAUSA District- MADHEPURA

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Manoj Singh Bhatia Son of Sri Late Kapildeo Singh Resident of Village-
Lauulagan, P.S. Chousa, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nadimul Hasan, Advocate

For the Opposite Party : Mrs. Indu Kumari Srivastava, A.P.P.-23

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 307 and 353 of the Indian Penal Code, 25(1-B)a, 26, 27 and 35 Arms Act and 30 (a) of the Bihar Excise Act, 2016.

Petitioner along with eleven other accused persons are said to have arrived at Morsanda Bhaiyaar to extort extortion from the farmers and on arrival of the police there they resorted indiscriminate firing upon the police party and they reiterated on arrival of the reinforcement. Out of them, one Nanku Singh was apprehended while others including the petitioner managed to escape. Said Nanku Singh divulged the name of the petitioner as



one of his fleeing accomplices in the occurrence. Three loaded pistol and 2 liters of country made liquor were recovered from the possession of said Nanku Singh and some motorcycles were also recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized articles or with the motorcycle in question. He has also no concern with the aforesaid occurrence. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. He was not apprehended on the spot. Barring the aforesaid disclosure made by Nanku Singh, there is nothing in the record indicating the complicity of the petitioner in the occurrence. No one has sustained injury in the firing. Similarly situated co-accused, namely, Brajesh Singh @ Brajesh Kumar has been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.43262 of 2018 vide order dated 18.07.2018. He has no criminal antecedent. He has been languishing in custody since 20.04.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Madhepura, in connection with Excise Case No. 159 of 2018 arising out of Chousa P.S. Case No. 86 of 2018.

(Prakash Chandra Jaiswal, J)

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