

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77685 of 2018

Arising Out of PS. Case No.-344 Year-2017 Thana- KESARIA District- East Champaran

MANISH KUMAR @ MANISH CHAUDHARY @ MANISH KUMAR
CHAUDHARY S/o Shambhu Prasad Choudhary, R/o Vill.- Baidhyanathpur,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Sri Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Kesaria P.S. Case No. 344 of 2017 registered for the offence punishable under Sections 341, 307 of the Indian Penal Code and 27 of Arms Act. Later on added Section 302 of the Indian Penal Code.

Informant is the widow of deceased, who in her fardbeyan has stated that her husband had gone to attend some function and at about 8.00 PM she was informed from the mobile of her husband that he has been shot and has been admitted in Muzaffarpur Hospital. FIR is against unknown.

It has been submitted on behalf of the petitioner that



petitioner is not named in the FIR. Name of petitioner has surfaced in this case on the basis of his own self confession and except his confession there is no other incriminating material against the petitioner. It has been further submitted that other co-accused Subodh Kumar @ Subodh Singh has been granted anticipatory bail passed in Cr. Misc. No. 9641 of 2018 vide order dated 26.03.2018 in which the court has observed that even in her re-statement she has taken the name of Binod Chaudhary, Subodh Singh and three unknown persons who have committed murder of her husband, the name of petitioner has not been disclosed by her. Similarly, another co-accused Prabhat Kumar has been granted regular bail passed in Cr. Misc. No. 60024 of 2014 vide order dated 02.11.2018. Petitioner is in custody since 06.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Kesaria P.S. Case No. 344 of 2017 subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the



court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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