

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76557 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- BANIAPUR District- Saran

DEEPAK KUMAR MANJHI @ DEEPAK MANJHI Son of Mohan Manjhi
Resident of Village - Harpur, Goshala tola, P.S.- Baniyapur, Distt - Saran at
Chapra. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Baniyapur P.S. Case No. 188 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 120(b) of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution, the firing made by the petitioner did not hit the informant and the allegation of killing the elder brother of the informant is against co-accused Hare Krishan Srivastava and other two accused namely, Sudhir Kumar Lal and Sonu Kumar Srivastava were catching hold the deceased. The petitioner is in custody since 20.06.2019.

Learned APP has opposed the prayer of bail.



Considering the facts and circumstances of the case wherein the informant has alleged that this petitioner fired upon him but that shot did not hit him and passed through the temple of the informant, so far as the allegation of killing the elder brother of the informant is concerned, the same has been specifically alleged against the co-accused Hare Krishan Srivastava and two other co-accused namely Sudhir Kumar Lal and Sonu Kumar Srivastava had caught hold of the deceased, there being no allegation against this petitioner of killing of the brother of the informant, the petitioner being in custody since 20.06.2019 has no criminal antecedent as also that there is no submission in the opposition of bail that the release of the petitioner is likely to result in tampering with the evidence or influencing the prosecution witnesses, let the petitioner above named be released on bail in connection with Baniyapur P.S. Case No. 188 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 11, Saran at Chapra, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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