

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76473 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- BARARI District- Katihar

MANISH JHA S/O Purushottam Jha Resident of Village- Yadav Toli, Barari,
P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saghir Ahmad
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-02-2020 Heard learned counsel for the parties.

Earlier bail of the petitioner was rejected vide order dated 20.09.2018 in Criminal Miscellaneous No. 40331 of 2018 with liberty to renew his prayer for bail if the trial of the petitioner is not concluded within a period of one year.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

Informant in his written complaint has alleged that while they were constructing their house in their land FIR named accuse variously armed came there and started demolishing their house and on being protested his elder brother Sukharu Yadav was stabbed and thereafter he was carried to the



Hospital, however, he died during treatment.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to admitted land dispute. There is no specific allegation of any over act against the petitioner. Allegations are general and omnibus in nature against all FIR named accused. There is single knife blow injury found in the lower abdomen of deceased. Petitioner has got no criminal antecedent and is in custody since 18.04.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sessions Trial No. 447 of 2018 arising out of Barari P.S. Case No. 43 of 2018**, with following conditions:-

(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 shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.



(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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