

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13702 of 2021

Arising Out of PS. Case No.-1038 Year-2019 Thana- BIHTA District- Patna

Manik Singh @ Aditya Kumar, Son of Sri Manoj Singh, Resident of Village-
Shambhupura, P.S.- Naubatpur, Distt- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Bihta
P.S. Case No.1038 of 2019 registered for the offence punishable
under Section 302/120B/34 of the Indian Penal Code and
Section 25(1-b)a, 26/35 of the Arms Act.

The allegation is that the informant's brother was
reading a newspaper at his *Darwja* when two persons have



arrived on a *Pulsar* motorcycle. One has fired upon his brother and the brother has sustained firearm injury on his chest. He has succumbed to his injuries. The informant has described the assailant to be between 20-22 years. Suspicion is cast upon the petitioner and his father as there is enmity since the last *Mukhiya* election, based on political rivalry.

Learned counsel for the petitioner submits that the petitioner is aged about 20 years. There is no question of having any interest in the last *Mukhiya* election. His implication is based on suspicion and there is no recovery of any article from the petitioner. Neither the motorcycle nor any arms has been recovered. It is further submitted that after going through the case diary, the court below has recorded in the order the submission of the petitioner's counsel that even in the confessional statement of co-accused, there is no allegation against the petitioner. The petitioner has clean antecedents and he is stated to be in custody since 17.09.2020. The suspicion based on political rivalry from the last *Mukhiya* election at best can be attributed to the co-accused and not against the petitioner. He further submits that the ownership of the motorcycle was assigned to co-accused Pupul Kumar Sharma. Said Pupul Kumar Sharma and one Vikas Kumar from whose



house motorcycle was recovered, both have been allowed bail in Cr.Misc. Nos.21086 of 2020 and 10876 of 2020 respectively.

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

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Shreya Mishra, learned Judicial Magistrate-1st Class, Danapur, in connection with Bihta P.S. Case No.1038 of 2019 (G.R. No.4080 of 2019), subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will



be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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