

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34935 of 2021

Arising Out of PS. Case No.-1094 Year-2019 Thana- PHULWARISHARIF District- Patna

Manoj Paswan Son of Raj Kumar @ Aloo Dum Resident of Village -
Khalilpura, Panitanki, P.S.-Phulwarisarif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 07-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Phulwarisharif P.S. Case No. 1094 of 2019, registered for the offence under Section 363, 365 of the Indian Penal Code and later on, Sections 302, 201, 147, 149 of the Indian Penal Code were added.

As per the prosecution case, on 21.12.2019, the son of the informant namely Amir Hazla went to attend the procession near the *Tamtam Parao*, Phulwarisharif, but he did not return till 11 o'clock (night) leading to the registration of the F.I.R. against unknown.

Petitioner is not named in the FIR. Name of the petitioner has surfaced in the confessional statement of co-accused. It is further submitted that on 21.12.2019, for the same



set of occurrence, altogether six cases were lodged side-by-side either by the public or by the government officials, as some persons received injury in free-fight in a rally, then the family members of the injured instituted separate case, though, the Magistrate had already instituted the case. It is further submitted that other similarly situated co-accused namely Nagesh Samrat, Ranjeet Chaudhary, Chaitu Kumar, Raja Noniya and Binod Nonia have already been granted bail by this Court. Petitioner is in custody since 21.01.2020. Investigation is complete.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that this petitioner alongwith other co-accused actively participated in the occurrence. Name of the petitioner has come in the confessional statement of three co-accused persons. Petitioner has got criminal antecedent also.

Considering the rival submissions of the parties, materials available on record and the fact that other similarly situated co-accused have already been granted bail by this Court, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.C.J.M. - IX, Patna in



connection with Phulwarisharif P.S. Case No. 1094 of 2019, on
the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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