

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35787 of 2020**

Arising Out of PS. Case No.-380 Year-2019 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Manshu Kumar (aged about 20 years), son of Ram Babu Ram @ Ram Bahadur Ram, resident of Village - Kaithma, P.S.- Begusarai Muffasil, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

5      15-03-2021                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Learned counsel for the petitioner submits that in paragraph no.17 of this bail petition, the period of custody has wrongly been mentioned as 19.06.2020 whereas, paragraph no.81 of the case diary reflects that the petitioner is in custody since 23.05.2020.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction in paragraph nos. 1 and 17 of this bail application.

In this case, the petitioner is seeking regular bail in connection with Begusarai Muffasil P.S. Case No.380 of 2019, registered for the offence under Section 302/34 of the Indian



Penal Code and under Section 27 of the Arms Act.

As per the F.I.R. one Bittu Kumar had been killed by accused Nikund Kumar and present petitioner by resorting to fire. In the F.I.R. specific allegation has been made against accused Nikund Kumar, who has made firing on the head and present petitioner had fired on the chest of the deceased. However, inquest report shows injury on the head of the deceased and the postmortem report corroborated the inquest report. Paragraph no.10 of the case diary is the statement of Anmol Kumar, who is claiming to be the eye witness to the incident, has stated that present petitioner and accused Nikund Kumar fired upon the chest of the victim but, in paragraph nos. 45, 46, 47, and 48, the Police has recorded the evidence of some of the independent witnesses, they had given a different story altogether and alleged that Anmol Kumar is the person who is responsible for death of deceased Bittu Kumar.

Considering the aforesaid facts, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil P.S. Case No.380 of 2019, subject to the condition that the



petitioner would cooperate in the proceeding of the court below.

In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

**(Shivaji Pandey, J)**

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