

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39477 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- HATHAURI District- Muzaffarpur

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MANISH KUMAR PANDEY @ MANISH PANDEY @ MANISH KUMAR
Son of Late Ram Ekbal Pandey Resident of Village- Paramjiwar, P.S.-
Hathouri, District- Muzaffarpur- 843129.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

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

Petitioner seeks bail in Hathouri PS Case No. 242 of 2019 registered under Sections 399, 402, 414 of the IPC and Sections 25(1-b)A, 26, 35 of the Arms Act.

Four persons have been taken into custody by the informant-Police Officer who has gone to investigate the plotting of some offence by the said four accused persons based on a secret information. From the possession of these four persons, certain arms and ammunition have also been recovered. The apprehended persons have allegedly confessed that they were planning to commit robbery on the National Highway and have earlier also looted some cash and mobile. It is on the basis of confessional statement of these four persons that the petitioner's name has surfaced.

Petitioner's Counsel submits that other than confessional



statement of the co-accused, there is nothing to suggest the petitioner's involvement. There is no recovery attributed to the petitioner and, admittedly, he has not been apprehended at the place of alleged plotting. The petitioner is on bail in the cases mentioned in para 3 of this petition. It is further submitted that co-accused Raja Kumar has already been granted anticipatory bail by this Court vide Cr. Misc. No. 8567 of 2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Judicial Magistrate, 1st Class, Muzaffarpur, East in Hathouri PS Case No. 242 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.

(Madhuresh Prasad, J)

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