

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5671 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- BARAUNI District- Begusarai

MANISH SAH @ MANISH KUMAR @ MANISH SHAW SON OF RAMJI SHAW RESIDENT OF SARDAMONI PARK, PIRPUKUR ROAD, BANSDRONI, KOLKATA SOUTH, 24 PARGANAS, BANSDRONI, WEST BENGAL- 700070 PERMANENT RESIDENT OF VILLAGE- JOGIYA MATH, POLICE STATION- TAJPUR, DISTRICT- SAMASTIPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kashyap, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 12-04-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that his deceased Bhagina, Manish Kumar used to live with him at his village, where his love affair was going on with one girl namely Jyoti Kumari who is daughter of Sukhdeo Sah. Prior to one week of the occurrence, all FIR named accused had come at the house of the informant and threatened the informant to remove his Bhagina from village otherwise they would kill him. On 31.12.2019 at about 6:00 p.m., the deceased went towards shop, but thereafter he did not return. In the morning of 01.01.2020,



his dead body was found in between two toddy trees besmeared with blood. He had received pellet injury on chest. The informant has suspected that all the FIR named accused persons have killed his deceased Bhagina by firearm in lonely place. The motive behind the occurrence is said to be love affair of deceased with Jyoti Kumari which was being opposed by the accused persons.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner is not named in the FIR. It is further submitted that petitioner has been living at Kolkata. During investigation also, it has come on record that mobile location of petitioner was found at Kolkata on the alleged date of occurrence as per CDR obtained by the IO of this case. It is further submitted that petitioner and Jyoti Kumari were happily living as married couple in Kolkata. It is contended that FIR named accused has already been granted bail by a co-ordinate Bench of this Court. Petitioner has no criminal antecedent and he is in custody since 13.06.2020.

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 Barauni P.S. Case No.02/20, 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 absence on two consecutive dates without sufficient reason, his 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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