

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7114 of 2021**

Arising Out of PS. Case No.-314 Year-2020 Thana- VAISHALI District- Vaishali

MANISH KUMAR Son of Shivnarayan Singh @ Manoj Kumar Sharma
Resident of Village - Kataru, P.S. Paroo, District - Muzaffarpur. At Present
resident of Village - Baniya, P.S. Saraiya, Dist. Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-04-2021 Learned Counsel for the Petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Upendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Vaishali P.S. Case No. 314 of 2020 registered for the offences punishable under Sections 313 and 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, five thousand rupees and one motorcycle has been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is in jail since 21.09.2020. It is submitted that the only recovery which has been shown from possession of this petitioner is cash Rs.5,000/-



and a motorcycle.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, though the petitioner has got seven cases on his head and all seems to be under Sections 379 and 414 of the Indian Penal Code but it is the submission of the learned Counsel for the petitioner that in connection with present case the petitioner has remained in jail since 21.09.2020, the offence alleged is triable by Magistrate and the only recovery which has been shown from possession of this petitioner is that of Rs.5,000/- cash and a motorcycle, in the nature of the allegations and the submissions, considering the period already spent by the petitioner in custody, the investigation being complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hazipur in connection with Vaishali P.S. Case No. 314 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the



facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

