

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7877 of 2020

Arising Out of PS. Case No.-409 Year-2017 Thana- MASAUDHI District- Patna

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MANOJ KUMAR S/O SAMAR YADAV @ BRAJBHUSHAN R/O
VILLAGE MALKANA PS MASAUHI DISTRICT PATNA STATE
BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajeet Singh, Adv
For the Opposite Party/s : Mr.Kumar Veerendra Narayan APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

9 10-02-2021 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 18.09.2018 passed in Criminal Miscellaneous No. 41150 of 2018, with liberty to renew his prayer for bail if the trial is not concluded within one year.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Allegation against the petitioner is of firing on the head



of the deceased who was son of Informant.

It is submitted that Informant is not an eye witness. During investigation police has not found allegation against other FIR named accused Lala Prasad and Braj Bhushan @ Samar Yadav to be true. FIR was based on information given by co-villager Sujit Kumar to the Informant.

Learned counsel for the petitioner submits that till date out of 7 witnesses only three witnesses have been examined. Chargesheet has been submitted in this case on 21.12.2017 and charges were framed on 23.05.2018. No incriminating material has been recovered from the possession of petitioner. Petitioner has got no criminal antecedent and is in custody since 26.09.2017 and he has completed more than three and a half years of Jail custody.

Considering the aforesaid facts and circumstances of the case and **period of custody**, 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 **Masaurhi P.S. Case No. 409 of 2017 bearing G.R. No. 1093/17, bearing Sessions Trial No. 245 of 2018**, 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/her absence on two consecutive dates without sufficient reason, his/her 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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