

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18278 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- CHANDRADIP District- Jamui

Manoj Rai @ Manoj Hansada @ Manoj Rai Hansada S/o Mangru Hansada
R/o Village- Chilkakhar, P.S.- Charkapathar, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

15 24-08-2022 Heard Mr. Man Mohan Kumar, learned counsel
appearing on behalf of the petitioner and Ms. Suman Kumari
Singh, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Chandradeep P.S. Case No. 93 of 2020 for the offence
punishable under Sections 147, 148, 149 and 302 of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3 and 4 of
the Explosive Substances Act.

The prosecution story, in brief, is that the brother of
the informant was murdered on the spot. The specific allegation
of having fired on the person of the deceased is against Chhotu



Yadav and Lobendra Yadav threw bomb on the brother of the informant. The name of the petitioner has surfaced in the present case in course of investigation on the basis of confessional statement of co-accused Pawan Kumar Singh. The same appears from Para-35 of the case diary.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has clean antecedent and due to enmity he has been made accused in the present case. Petitioner has no role and specific allegation of firing and throwing bomb on the brother of the informant is against Chhotu Yadav and Lobendra Yadav respectively. Petitioner has been made accused in the present case on the basis of confessional statement of co-accused Pawan Kumar Singh. Said Pawan Kumar Singh has already been released on bail by a co-ordinate Bench vide order dated 27.07.2021 passed in Cr. Misc. No. 16821 of 2021. Further submission of learned counsel appearing on behalf of the petitioner is that the petitioner has no connection with any of the co-accused either named in the F.I.R. or whose name has come in course of investigation. The petitioner is a man of means and he is ready to abide by any terms and conditions if the petitioner is released on bail.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner. He submitted that the petitioner himself has confessed in Para-85 of the case diary that he is the one who had fired upon the brother of the informant. Independent witnesses who have seen the incidence, in Para-32 and 33 of the case diary, have stated that they have found the present petitioner fleeing from the place of occurrence. As such, complicity of the petitioner cannot be ruled out.

Having considered the rival submissions of the parties and taking into account the fact that the petitioner is not named in the F.I.R., name of the petitioner has surfaced in course of investigation on the basis of confessional statement made by co-accused Pawan Kumar Singh and said Pawan Kumar Singh has already been released on bail, on perusal of the statement of the independent witnesses recorded under Section 161 Cr.P.C. in Para-32 and 33 of the case diary, it appears that they are the hearsay witnesses and not the eye witnesses and several similarly situated co-accused have been released on bail by co-ordinate Benches of this Court. Prima facie, it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each



to the satisfaction of the learned ACJM-I, Jamui in connection with Chandradeep P.S. Case No. 93 of 2020, subject to the 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.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

