

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12488 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

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MUNNA SAH @ MUNNA JAISWAL S/o Late Maneger Sah Resident of
Village - Jamunaha, P.S. - Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 177 of 2021 registered for the offence under
Sections 386, 387, 302, 120B and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.06.2021.

The allegation against the petitioner is to commit
murder of brother of the informant along with other co-accused
persons.

Learned counsel appearing on behalf of the petitioner



submitted that allegation against the petitioner is very much general and omnibus in nature and the informant is not the eyewitness of the occurrence. Learned counsel further submitted that charges has already been framed against the petitioner. It is further submitted that similarly situated co-accused granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 18366 of 2022 dated 13.04.2022.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eyewitness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eyewitness of the occurrence coupled with the fact that charges has been framed against the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No. 177 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st Class, Gopalganj/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the



Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Vishal Kumar Sah, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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