

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 15610 of 2022**

Arising Out of PS. Case No.-23 Year-2019 Thana- BIBHUTIPUR District- Samastipur

MANOJ KUMAR @ MANOJ MAHTO @ AMARJEET KUMAR @
AMARJEET MAHTO Son of Ramanand Mahto Resident of Village Basauna,
Police Station - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ajay Kumar Thakur, Mr Nilesh Kumar, Ms Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr Narsingh Tanti, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Bibhutipur Police Station
(for brevity, *PS*) Case No 23 of 2019 dated 25.01.2019
registered for the offence punishable under Sections 302, 120B
of Indian Penal Code (for brevity, *IPC*) in which charge sheet
has been submitted under Sections 302, 120B/34 of IPC and
Section 27 of Arms Act.

Petitioner's prayer for bail was earlier rejected by this
Court by order dated 17.09.2020 passed in Cr Misc No 23554 of
2020. Prayer was renewed in Cr Misc No 20595 of 2021 which



was disposed by this Court by order dated 03.11.2021 with liberty to the petitioner to renew the prayer for bail before the Court below. The Court of learned Additional Sessions Judge I, Rosera, District – Samastipur has rejected the petitioner's prayer for bail under order dated 16.02.2022.

It is submitted by the petitioner's counsel that till date, only six witness have been examined, two official witnesses and two other witnesses remain to be examined. The petitioner's period of custody, by now, is substantial since he was arrested on 10.12.2019. Prayer is also made on ground of parity with co-accused Ashok Kumar Mahto @ Ashok Mahto, who has been allowed bail by this Court in *Cr Misc No 30857 of 2020* on 23.11.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, claim based on parity, period of custody as also stage of the trial, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Rosera, District –



Samastipur in Sessions Trial No 141 of 2020/156 of 2020
arising out of Bibhutipur PS Case No 23 of 2019 subject to the
following conditions:-

(i) That one of the bailors will be a close relative of
the petitioner who will give an affidavit giving genealogy as to
how he is related with the petitioner. The bailor will also
undertake to inform the Court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well represented on
each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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

