

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16993 of 2022

Arising Out of PS. Case No.-482 Year-2016 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Banti Kumar @ Kundan, S/o Permanand Singh R/o village- Baghi, P.S.-
Town Begusarai (Lohiya Nagar O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Begusarai Muffasil P.S. Case No.482 of 2016 instituted under
Sections 302, 379, 34 of the Indian Penal Code and under Section 27
of the Arms Act.

Allegation in the FIR is that one Mannu Singh @ Manoj
Singh along with his eight associates riding three motorcycles came
to informant's godown and after abusing them, it is alleged that
accused Mannu Singh @ Manoj Singh opened fire on his younger
brother Kamlakant Kumar on his head which was followed by
intermittent firing. Further allegation is that the accused Mannu
Singh @ Manoj Singh entered the godown and took away
Rs.48,300/- present in his box. Once they left the place of
occurrence, the informant took the injured to the hospital but he



succumbed to his injuries mid way.

Learned counsel for the petitioner submits that the specific allegation against one Mannu Singh @ Manoj Singh of opening fire and killing his younger brother Kamlakant Kumar The second allegation of taking away Rs.48,300/- has also been attributed to the Mannu Singh @ Manoj Singh.

Learned counsel for the petitioner submits that it is during investigation that the names of the co-accused including the petitioner herein cropped up which led to him being in jail since 19.06.2021. He lastly submits that some of the similar situate co-accuseds have since been granted the privilege of bail vide Cr. Misc. No.29358 of 2021 on 06.12.2021 (Debu @ Devan @ Devendra Das Vs. The State of Bihar) and Cr. Misc. No.25428 of 2021 on 07.12.2021 (Gautam Kumar @ Krishna Gautam Kumar Vs. The State of Bihar) by co-ordinate Benches of this Court.

Taking into account the fact that the charge-sheet has been submitted, specific allegation is against Mannu Singh @ Manoj Singh of opening fire and killing the informant's brother as also that the petitioner is in jail since 19.06.2021 (as stated in para-10 of the bail application) and further some of the co-accuseds have been released on bail, this Court is inclined to grant him the bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Begusarai Muffasil P.S. Case



No.482 of 2016 to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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