

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18345 of 2022

Arising Out of PS. Case No.-443 Year-2020 Thana- BIHPUR District- Bhagalpur

Manoj Kumar Choudhary S/o Late Kamleshwari Choudhary Resident of village-
Narayanpur Navtoliya, P.S.- Bihpur, District- Bhagalpur. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Bihpur (Jhandapur) P.S. Case No. 443 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 12.08.2021. It is submitted, at this stage, that the charges have already been framed in this case and the petitioner has remained in custody for more than 2 years by now. It is further submitted that the petitioner is ready to abide by such terms and conditions which may be imposed upon him to secure his appearance in course of trial. It is further submitted



that co-accused Md. Jahangir Raiyeen @ Alam whose prayer for bail was also rejected earlier has been granted bail in Cr. Misc. No. 19608 of 2022 vide order dated 07.12.2022.

Learned APP for the State has though opposed the prayer for bail of the petitioner, considering that the charges have already been framed in this case and the petitioner has remained in custody for more than 2 years and there is no submission on behalf of the State that release of the petitioner is likely to result in tampering with evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Naugachia in connection with Bihpur (Jhandapur) P.S. Case No. 443 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the petitioner shall put his appearance on each and every date fixed in this case in course of trial and two consecutive defaults in putting appearance before the trial court would invite action towards cancellation of the bail bond of the petitioner.sa

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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