

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32755 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Manish Kumar @ Tanta @ Tarta Sonof Mangal Singh Resident of Village -
Pahsara, Babhangama, P.S.- Nawkothi, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with
CRIMINAL MISCELLANEOUS No. 34357 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Niraj Kumar @ Hulka Son Of Jai Jai Ram Singh R/O- Vill- Pahsara, P.S.-
Nawkothi, Dist.- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 32755 of 2022)

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 34357 of 2022)

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302, 120B, 34
of the Indian Penal Code and Section 3/4 of Explosive



Substance Act, in connection with Nawkothe P.S. Case No. 103 of 2021.

As per the prosecution story, the informant's son had gone to attend 'Shardh' of Yugal Mahto and as he returned and went to the local temple to put a lock on it, around 10-15 accused persons arrived and assaulted him brutally. The informant upon knowledge went to the said place but by that time his son was killed. The informant has alleged that bomb was also exploded which proved fatal for his son. Thereafter, the accused persons fled from the place. The reason has been attributed that a day prior to the said case, one Guddu Singh was killed who had animosity with one Bumbum Singh and the informant's son was the driver of the said Bumbum Singh and as such he became the target of the other side.

Mr. Vikramdeo Singh, who appears on behalf of the petitioner Niraj Kumar Singh (in Cr. Misc. No. 34357 of 2022) submits that so far as this petitioner is concerned, his case is slightly different and with the support of para-9 of the bail application, he submits that during the course of investigation, the CCTV footage was examined by the Investigating Officer and some of the accused were identified in it. However, it does not figure him.



Similarly, in Cr. Misc. No. 32755 of 2022 (Manish Kumar @ Tanta @ Tarta learned counsel for the petitioner submits that in his case also, as stated in para-7, the CCTV footage does not include his face.

Considering the distinguishable feature in the two cases vis-a-vis the other cases of the accused persons, this Court is inclined to grant them the privilege of bail with strict conditions considering the fact that they have criminal antecedents.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai, in connection with Nawkothe P.S. Case No. 103 of 2021 after framing of charges subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners 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 bail by the Trial Court itself;



(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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