

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33234 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- MUSRIGHRARI District- Samastipur

MANIKANT SINGH @ BARAKU @ BADKA S/o Late Name Singh R/o
village- Barbatta, P.S.- Musarigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Shyam Kishore, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar
For the Informant	:	Mr. Anil Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 The present matter has been listed under the heading “To Be Mentioned” on the basis of motion slip filed on behalf of the petitioner on the ground that petitioner is patient of Asthma.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Musarigharari P.S. Case No. 99 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code read with Sections 27 of the Arms Act.

As per prosecution case, the informant's son has been shot dead by unknown persons. The F.I.R. has been



registered against three unknown persons.

Learned counsel for the petitioner submits that F.I.R. has been lodged against three unknown persons. Name of present petitioner transpired as a conspirator on the second application given by the informant on 25.08.2021. He further submits that allegation against the petitioner is only to be a conspirator. Petitioner is not the main assailant of the deceased. The occurrence took place on 10.08.2021 and the FIR has been lodged on 13.08.2021. There is an inordinate delay without explaining the reason. There is no eye witness of the alleged occurrence. Some of the villagers disclosed that three persons were on a motorcycle, who shot the deceased namely Rajesh Kumar Singh alias Raju Singh. Police have not recorded the statement of Guddu Singh, who had informed the informant about the incident. There is no specific overt-act against the petitioner. Name of the petitioner dragged in the instant case at the instant of village political rivalry. His wife was Sarpanch. His wife contested the panchayat election for the member of Panchayat Samiti. She lost the election because the petitioner could not campaign in the said election. One of the co-accused persons namely Vicky Paswan has already been granted bail vide Cr. Misc. No. 65110 of 2021 by the co-ordinate bench of



this Court and the case of present petitioner stands more or less on similar footing. Petitioner is in custody since 08.04.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State as well as learned counsel for the Informant vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Samastipur in connection with Musarigharari P.S. Case No. 99 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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