

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39684 of 2022

Arising Out of PS. Case No.-419 Year-2019 Thana- ROSERA District- Samastipur

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MANISH KUMAR @ MANISH MAHTO Son of Raja Ram Mahto @ Ghanti
Mahto Resident of village- Khaira Dargah, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rosera
P.S. Case No. 419 of 2019 registered for the offence under
Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.01.2022.

The allegation against the petitioner is to fire upon the
neck of injured/informant, having intention to cause death.

Learned counsel appearing on behalf of the petitioner
submitted that from FIR itself, it can be safely gathered that



petitioner was not under intention to cause death of injured/informant, as FIR is not suggesting any pre-planning or previous enmities. It is further submitted that present FIR was lodged after delay of 19 days, suggesting only after thought. Learned counsel for the petitioner further pointed out that injury report of primary hospital, clearly, suggests that injury was caused by hard and blunt object and just to make the allegation more serious and aggravated, the allegation of firing on the neck of informant, against this petitioner was made, which is further supported by the seizure list, where only one empty cartridge was recovered at the place of occurrence, in the background of allegation of two specific firing. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as also considering the nature of accusation, in the view of delayed FIR by 19 days, where, petitioner is in custody since 05.01.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rosera P.S. Case No. 419 of



2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-III, Rosera at Samastipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

The presence of I/O of this case, is dispensed with.

(Chandra Shekhar Jha, J)

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