

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38313 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- HALSI District- Lakhisarai

Manish Kumar Son of Late Dani Mahto, Resident of Village - Mohaddi
Nagar, P.S.- Hilsa, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP.
For the Informant	:	Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Halsi P.S. Case No. 48 of 2022, lodged under Sections 302/34 of
the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, indiscriminate firing has
been made by the petitioner alongwith other accused persons
against the informant and others, by which the deceased injured
and subsequently died.

Learned counsel for the petitioner submits that from
minute reading of F.I.R., it transpires that this F.I.R. is based on
hearsay material. He further submits that the injured

categorically stated in paragraph-26 of case diary, by which it transpires that petitioner's firing has not touched the deceased, by the firing of petitioner one Sarju Kumar injured in his thigh. He further submits that the offence under Section 302 of I.P.C. shall not be made out against the petitioner, rather at worst Section 307 of I.P.C. may be attracted against him. Learned counsel for the petitioner further submits that petitioner is in custody since 11.03.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner has fired with intention to kill, but fortunately the gunshot has not hit the father of informant.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Halsi P.S. Case No. 48 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

The Trial Court is directed to expedite the trial at the earliest.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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