

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44817 of 2022

Arising Out of PS. Case No.-1358 Year-2021 Thana- NAWADA District- Nawada

RAJU MUSHAR @ RAJU MANJHI SON OF JUGAL MANJHI R/O
VILLAGE- MIRJAPUR, P.S.- NAWADA TOWN IN THE DISTRICT OF
NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 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
Nawada (Town) P.S. Case No. 1358 of 2021 registered for the
offences punishable under Sections 341, 323, 307/34 of the
Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, petitioner and co-accused
Aman Kumar came on a motorcycle and asked the informant to
sit on the said motorcycle and when the informant denied to sit
then co-accused Aman Kumar fired upon the informant as a
result of which informant sustained gun shot injury on his right



chest due to which he fell down unconsciously.

Learned counsel for the petitioner submits that petitioner is in custody since 23.03.2022. Petitioner bears four criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that from perusal of the F.I.R., it appears that there is specific allegation has been alleged against the co-accused Aman Kumar. No specific overt-act has been attributed to the petitioner. The petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, there is no specific overt-act against the petitioner, 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 Chief



Judicial Magistrate, Nawada in connection with Nawada (Town)

P.S. Case No. 1358 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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