

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46395 of 2022

Arising Out of PS. Case No.-39 Year-2020 Thana- MANIHARI District- Katihar

Md. Raja Son Of Md. Imam R/O Village- Narayanpur, P.S.- Manihari, Dist.-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-11-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Manihari P.S. Case No. 39 of 2020 lodged under Sections 364,
302, 201, 120(B) of the I.P.C.

As per the prosecution case, the criminal case has
been filed against 6 named accused persons and 4 unknown
accused persons. It has been alleged that they all visited the
house of the informant and requested his son to come with them
for the purpose of digging the soil. The informant's son went by
his own motorcycle but not returned till late night.
Subsequently, his dead body was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 19.03.2022 having one criminal case pending against him, in which he is on bail. He further submits that the co-accused person similarly situated, has been granted bail by the Co-ordinate Bench in Cr. Misc. No. 23845 of 2022 and this Bench in Cr. Misc. No. 23816 of 2022 vide order dated 15.09.2022 and 03.11.2022. He submits that the deceased himself is a dreaded criminal of the society and there are 9 criminal cases pending against him and in this regard detail has come in the case diary. Learned counsel for petitioner has explained it in paragraph 15 of the petition.

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 Additional District Judge, X, Katihar, in connection with Manihari P.S. Case No. 39 of 2020, 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 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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