

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47049 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- KALYANPUR District- Samastipur

MANOJ KUMAR Son of Late Bhagya Narayan Rai @ Bhag Narayan Ray
R/V- Dadhiya, P.S- Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh,
Mr. Udbhav, Advocates.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2022 Heard Ms. Vaishnavi Singh, learned counsel for the petitioner, Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State and Mr. Piyush Kumar Pandey, learned counsel appearing for the informant through video conferencing.

Petitioner seeks regular bail in connection with Kalyanpur PS Case No. 107/2021 registered for the offence punishable under Sections 302/34, 120(B) of the IPC and Section 27 of the Arms Act.

As per First Information Report, petitioner along with 6-7 persons surrounded the informant's husband and fired indiscriminately upon him, due to which, he died.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in this case due to previous enmity inasmuch as the petitioner had also lodged an FIR bearing Chakmehsi PS Case No. 207/2020 against the deceased as well as other persons. It has further been submitted that similarly situated accused persons have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 36757/2022.

Learned counsel also submits that the petitioner is in custody since 06.06.2022 and the allegation against the petitioner is general and omnibus in nature.

On the other hand, learned counsel appearing for the informant vehemently opposed the prayer for bail and submits that even if there is no specific allegation against the petitioner but petitioner along with others with common intention has killed the informant's husband from close range.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court, the petitioner is in custody since 06.06.2022, the allegation against the petitioner is general and omnibus in nature and there is no likelihood that the petitioner will abscond or will tamper with the evidences, I am



inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, MANOJ KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur PS Case No. 107/2021.

(Anil Kumar Sinha, J)

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