

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60489 of 2021**

Arising Out of PS. Case No.-199 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Manish Kumar @ Dancer, S/o Chandrashekhar Ram, R/o Village- Parasiya,
P.S.- Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mohania P.S. Case No. 199 of 2021 for the offences punishable under Sections 399, 409, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, it is alleged that the police received secret information that some miscreants are assembled on suspicious place on the basis of that the police apprehended five persons including this petitioner. It is further



alleged that on search two live cartridges and two mobile phones have been recovered from the conscious possession of this petitioner.

It is submitted on behalf of the petitioner that the alleged recovery has not been made from the conscious possession of this petitioner, rather the recovery has been made from different place, but this petitioner has been implanted in the present case. It is further submitted that this petitioner is in custody since 30.05.2021 and, moreover, the investigation has already been concluded and charge-sheet has also been submitted in the present case. It is lastly submitted that one of the co-accused having similar allegation, namely, Aman Kumar Singh, has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 48051 of 2021 vide order dated 23.03.2022.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioner.

Having considered the submissions made on behalf of the petitioner as well as State and taking into consideration this fact that the petitioner is in custody since 30.05.2021 and there is recovery of only two live cartridges along with two mobiles, apart from the fact that co-accused, namely, Aman Kumar



Singh, has already been granted bail by a coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 199 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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