

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62454 of 2021

Arising Out of PS. Case No.-248 Year-2019 Thana- DIGHWARA District- Saran

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MANISH GOPE @ MANISH KUMAR S/o DOODHNATH RAY R/o
VILLAGE-MADHOPUR, P.S-SAHPUR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with others are said to have killed
the son of the informant on account of non-fulfillment of the
ransom.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that there general and omnibus
allegation against the petitioner and no specific allegation of
assault is attributed to him rather the specific allegation of firing
causing head injury on the son of the informant, is attributed to



the co-accused, Indal Singh. He further submits that, in fact, there is no eye witness to the alleged occurrence. He further submits that no cogent material has come during course of investigation against the petitioner. He further submits that the similarly situated co-accused, namely, Shailesh Rai, Raj Bansi Rai, Krishna Kumar along with Mukesh Kumar have already been granted bail by different co-ordinate Benches of this Court vide order dated 19.03.2020, 27.05.2020 and 16.10.2020 passed in Cr. Misc. No. 434 of 2020, Cr. Misc. No. 82020 of 2019 and Cr. Misc. No. 26810 of 2020, respectively and one another co-accused, Dharmendra Ray has also been granted bail by this Court vide order dated 30.11.2021 passed in Cr. Misc. No. 34076 of 2021. The petitioner is rotting in judicial custody since 10.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dighwara P.S. Case No. 248 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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