

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52453 of 2022

Arising Out of PS. Case No.-563 Year-2020 Thana- SIWAN CITY District- Siwan

MANJAY KUMAR Son of Late Balram Tiwari R/V- Dakhin Tola, P.S- Siwan
Town, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 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 Siwan
Town P.S. Case No. 563 of 2020 registered for the offences
punishable under Sections 414, 34 of the Indian Penal Code and
Sections 25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, informant received secret
information that some persons were assembeld with arms to
committee crime at Andar Dhala near Mahaveer Sthan. On the
said information informant alongwith other police officials
reached there. It is alleged that petitioner alongwith three others
were apprehended. On search, there is alleged recovery of



4,000/- rupees from co-accused Govind Chauhan and one loaded pistol alongwith two live cartridges from co-accused Baiju Kumar and one stolen motorcycle was also there. Petitioner and others were apprehended on spot.

Learned counsel for the petitioner submits that petitioner is in custody since 07.12.2020. Petitioner bears two 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 petitioner is innocent and has falsely been implicated in the present case merely on suspicion. Nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel further submits that co-accused Govind Chauhan alias Sonu, against whom recovery of Rs. 4,000/- has been made, has already been granted bail vide Cr. Misc. No. 44133 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing as nothing has been recovered from the conscious possession of the petitioner.

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, argument advanced on behalf of the parties, co-accused Govind Chauhan has already been granted bail 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 Additional Chief Judicial Magistrate – VII, Siwan in connection with Siwan Town P.S. Case No. 563 of 2020, 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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