

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62799 of 2021

Arising Out of PS. Case No.-357 Year-2020 Thana- BEUR District- Patna

Manish Kumar @ Manish Rai @ Manish Raj, Son of Late Shailendra Prasad,
Resident of Mohalla-Betaura, P.O.and P.S.-Beur, District-Patna, at present
residing at 70 Feet Road, P.O.and P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 13-04-2022 The applicant/accused in Crime No. 357 of 2020

registered with Beur Police Station for the offences punishable

under Sections 147, 148, 149, 341, 323 and 307 of the Indian

Penal Code as well as Section 27 of the Arms Act, by this

application is seeking his release on bail during pendency of the

trial, after filing of the charge sheet.

Heard the learned counsel appearing for the

applicant/accused. He argued that no role is attributed to the

applicant in the subject crime even by the first informant so

also by injured Amlesh Kumar.

The learned Additional Public Prosecutor opposed

the application by contending that the offence is serious.

I have considered the submissions so advanced and



also perused the case diary.

Kameshwar Prasad had lodged a report about the incident. Injured Amlesh Kumar is his son. He averred that work at his plot was done with the aid of JCB in presence of his sons Amlesh Kumar and Kamlesh Kumar. His brother Suresh Rai was also present at the spot. It is further averred that at that time Bijay Rai came there along with the other accused persons including the present applicant. He indulged in wordy-duel with Suresh Rai. When his son Amlesh Kumar tried to save his brother Suresh Rai, accused Pintu Rai fired a bullet at Amlesh Kumar, causing injury at the abdomen of Amlesh Kumar. Similar is the statement of injured Amlesh Kumar.

Prima facie no active role is attributed to the present applicant in the subject crime. The investigation of the subject crime is already over, hence his further pretrial detention is not warranted. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 357 of 2020 registered with Beur Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the



trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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