

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62161 of 2021**

Arising Out of PS. Case No.-506 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

MANTU RAI Son of Guljar Rai Resident of Village - Dighi Khurd, P.S. -
Hajipur Sadar, Dist. - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 31-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Sadar PS case no. 506 of 2017 instituted for the offences punishable under Sections 307 and other allied sections of Indian Penal Code and Section 27 of Arms Act.

The allegation is regarding the accused persons including the petitioner herein having had an altercation with the informant and his family members, whereafter accused persons are alleged to have engaged in indiscriminate firing. As far as the petitioner is concerned, he is stated to have snatched a sum of Rs. 5000/- and a golden chain from the members of the prosecution party.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 13.04.2021. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted bail by the learned court below, however on account of bad criminal antecedent of the petitioner herein, he has not been granted bail by the learned court below. It is next submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, no allegation of him having engaged in any sort of specific overt has been levelled. Lastly, it is submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons including the petitioner herein and as far as



the petitioner is concerned, no specific allegation of any sort of overt act *qua* him has been alleged, apart from the fact that the injuries found on the person of the injured are stated to be simple in nature, as has been recorded by the learned court of Sessions Judge, Vaishali at Hajipur in its order dated 25.01.2021, passed in B.P. no. 177 of 2021, which has been produced by the learned counsel for the petitioner and has been taken on record apart from the fact that the present case arises out of case and counter case, though I deem it fit and proper to admit the petitioner to the privilege of bail but subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M. Vaishali at Hajipur in connection with Hajipur Sadar PS case no. 506 of 2017.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall



stand cancelled automatically and the petitioner shall be taken
into custody forthwith.

(Mohit Kumar Shah, J)

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