

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64260 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- SAHEBPUR KAMAL District- Begusarai

Manikant Kumar Son of Nawal Kumar Resident of Village- Phulmalik, .S.-
Sahebpur Kamaal, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 379, 504, 506 of the Indian Penal Code.

According to prosecution case, on 11.02.2021 accused Manikant Kumar, Nawal Kumar, Mantun Mahto, Nirmal Kumar, Navin Kumar Hira Devi, Madhu Devi, Bibha Devi, Sarvesh Kumar and Ujjwal Kumar, conspired together entered into the house of informant Ram Jyoti Devi and abused the grand son Avinash Kumar and son Biresh Kumar of the



informant. On protest Manikant attacked on the head of Avinash Kumar by weapon as a result of which he sustained head injury, Navin Kumar opened fire on Biresh Kumar which fortunately not fired. Others damaged the house hold articles of the informant by lathi rod etc.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Sahebpur Kamal P.S. Case No. 32 of 2021 lodged by the father of the petitioner against son of the informant and others. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and allegation against the petitioner is that he attacked on the head of Avinash Kumar by weapon as a result of which he sustained head injury. He further submits that the doctor examined the injury and found injury one is grievous and two are simple in nature caused by hard and blunt object. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Sahebpur Kamal P.S. Case No. 31 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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