

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67672 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- BACHHWARA District- Begusarai

Manoj Rai Son Of Ram Karan Rai, Resident Of Village - Chamtha Goptola,
P.S. - Bachhwara, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bachhwara P.S. Case No. 83 of 2020 registered
for the offences punishable under Sections 302, 120(B), 34 of
the Indian Penal Code and Section 27 of the Arms Act. He is in
custody since 09.08.2021. The petitioner has got five criminal
antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant's brother had informed on
the mobile of his neighbour that some unknown has shot him,
the informant and his villager searched him and found the dead



body in the field.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Hemant Rai who has already been granted bail in Cr. Misc. No. 14381 of 2021. It is submitted that the petitioner is in custody in connection with this case since 09.08.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Hemant Rai who has already been granted bail in Cr. Misc. No. 14381 of 2021 (Annexure 2), no further incriminating article has been found from possession of the petitioner and he has not been put on test identification parade till date, therefore, there is no identification of the petitioner, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bachhwara P.S. Case No. 83 of



2020, subject to the condition as laid down under Section 437
(3) Cr.P.C.

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 steps 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.

And further condition that considering five criminal antecedents of the petitioner, he is directed to mark his attendance in the present case till conclusion of trial, once in every two months before the S.H.O. of Bachwara Police Station in the District of Begusarai and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the said Police Station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Bachwara Police Station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.



Let a copy of this order be sent to the Superintendent
of Police, Begusarai for necessary instruction to Bachwara
Police Station.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

