

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70350 of 2021

Arising Out of PS. Case No.-751 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MANISH KUMAR Son of Shyam Lal Yadav Resident of Village - Ward No.-
6, Kakorn Bangar, Garhbanali, P.S.- Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Learned counsel for the petitioner is permitted to make necessary correction in Para 1 of the petition as in Para 1 of the petition section has not been mentioned.

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 K. Hat P.S. Case No. 751 of 2020 vide Sessions Case No. 254 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 324 and 307 of the Indian Penal Code.

As per prosecution case, petitioner and others are alleged to have committed the murder of informant's son.

Learned counsel for the petitioner submits that



petitioner is in custody since 15.06.2021. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not named in FIR. During the course of investigation the name of the present petitioner has been transpired. No incriminating article has been recovered from the possession of the petitioner. No TIP has been conducted. He also submits that informant is not eye witness of alleged occurrence.

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, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 the court of 3rd Additional Sessions Judge, Purnea in connection with K. Hat P.S. Case No. 751 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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