

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70086 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- MANJHAGARH District- Gopalganj

SUNIL PRASAD Son of Jagat Narayan Prasad @ Jagu Prasad Resident of
Village - Pathara Pachchim Tola, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 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
Manjhagarh P.S. Case No. 188 of 2020 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

As per prosecution case, the informant alongwith
his wife and daughter was sitting in his room. In the meantime,
petitioner and others came there and started hurling abuse and
when the informant made protest of it, petitioner and others
started assaulting the informant with Lathi and in that course,
they even assaulted the four months daughter in his lap with



Lathi to whom, the doctor of P.H.C., Manjha declared her dead.

Learned counsel for the petitioner submits that petitioner is in custody since 01.10.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is general and omnibus allegation against the petitioner. There is no specific allegation against the petitioner. Postmortem report indicates that only one brush on left side forehead 1" X ½" injury was found over body of the informant's daughter. But no injury was found over the body of the informant which falsifies the whole allegation. Co-accused Jagat Narayan and Sunil Prasad have already been granted bail vide Cr. Misc. No. 31252 of 2021 by a co-ordinate bench of this Court and Fulmati Devi and Chanda Devi have already been granted Anticipatory Bail vide Cr. Misc. No. 19348 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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 as well as period of custody, charge-sheet has already been



submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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 learned Chief Judicial Magistrate, Gopalganj, District Gopalganj in connection with Manjhagarh P.S. Case No. 188 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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