

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71798 of 2021

Arising Out of PS. Case No.-325 Year-2020 Thana- FALKA District- Katihar

Manoj Sharma S/o Late Gauri Mistry R/o village- Dumar, P.S.- Pothiya,
Falka, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
S.T. No. 249 of 2021 arising out of Falka (Pethiya) P.S. Case
No. 325 of 2020 lodged under Sections 302/ 34 of the I.P.C.

As per the prosecution case, the informant has stated
that he is resident of village Dumar and his brother Md. Kadir is
resident of district Katihar. It has been specifically alleged that
when they have visited in the market then scuffling takes place
between Manoj Sharma (petitioner), Sanoj Sharma, Rinku Devi
and Kabutari Devi on the one hand and on the other with Manoj
Sharma. It has been alleged that all the 4 named accused persons
have assaulted the informant brutally by hammer. In result, the

injured was died and he was identified as Surpanch of Dumar who has disclosed the entire information to the police.

Learned counsel for the petitioner submits that there is no specific allegation against the petitioner whatever the allegation it is general and omnibus. He further submits that petitioner's antecedent is clean. He is in custody since 14.03.2021. and ready to fulfill all the conditions whatsoever shall be imposed upon him. Learned counsel for the petitioner further submits that the Co-ordinate Bench of this Court has granted bail to the 2 accused persons which is mentioned in Annexure- 2 of the petition.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is not entitled for bail because there is allegation against the petitioner and others who assault the informant by hammer on his head resulted in his death. He further submits that the Court has granted bail to other accused persons only and only due to the reason that she is the female.

Learned counsel for the petitioner submits that upon query that whether charge has been framed or not, he submits that charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge Katihar in connection with S.T. No. 249 of 2021 arising out of Falka P.S. Case No. 325 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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