

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72098 of 2021

Arising Out of PS. Case No.-291 Year-2021 Thana- RAMPUR District- Gaya

MANTU PRASAD Son of Late Shankar Prasad Resident of Village - Pita Maheshwar, P.S.- Civil Lines, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 30-08-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Rampur P. S. Case No. 291 of 2021
registered for the offences punishable under Sections 147, 148,
149, 307, 382, 353, 323, 333 of the Indian Penal Code and
Section 27 of the Arms Act.



As per the prosecution case, it is alleged that the petitioner along with 30 to 40 persons surrounded the circuit house, Gaya. It is further alleged that 30 to 40 persons entered into the circuit house to release the loaded tractor from the custody of the police and also resorted firing due to which one constable received injuries.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the F.I.R. named accused persons as well as unknown persons. It is further submitted that altogether 30 to 40 persons have been made accused in the present case and there is no specific allegation of firing against anyone, however, other accused persons, having identical allegation have already been granted bail by learned co-ordinate Benches as well as this court in Cr. Misc. No. 5309 of 2022 vide order dated 25.05.2022, Cr. Misc. No. 4681 of 2022 vide order dated 23.05.2022 and Cr. Misc. No. 7483 of 2022 vide order dated 05.07.2022. It is lastly submitted that the investigation of the crime is already completed and the charge sheet has been submitted and the petitioner is in custody since 07.09.2021.

On the other hand, learned APP for the State opposes the bail application.



Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that other co-accused persons, having identical allegation have already been granted bail by the Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court in connection with Rampur P. S. Case No. 291 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 cancelling 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.

(Harish Kumar, J)

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