

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72476 of 2021

Arising Out of PS. Case No.-538 Year-2021 Thana- BIDUPUR District- Vaishali

MANJAY KUMAR @ MANJAY RAI Son of Late Rambachhan Rai Resident
of Village- Bajitpur Saidat, P.S.- Bidupur, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Navjot Yesu
	:	Mr. Yogesh Chandra Verma (Sr. Adv.)
	:	Mr. Navjot Yesu
For the Opposite Party/s :		Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 21-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 538 of 2021, registered for the offences
punishable under Sections 307 and 349 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is
that petitioner along with his associates had started
indiscriminate firing which caused injury to the informant's
son, namely, Priyam Kumar, on the eve of Diwali.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that there is general and omnibus allegation against the petitioner and false case is lodged against the petitioner only on the account of dirty village politics. He also submits that similarly situated co-accused , namely, Sanjay Rai @ Sanjay Kumar has already been enlarged on anticipatory bail vide order dated 03.11.2022 passed in Cr. Misc. No. 14054 of 2022.

The petitioner has been languishing in jail since 07.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly similarly situated co-accused person has already been enlarged on bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 538 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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