

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72349 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- KADWA District- Katihar

Manoj Das Son of Suren Das R/O Village- Sagarath Ward No.10, P.S.-
Kadwa, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-07-2022 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 Kadwa
P.S. Case No. 219 of 2021 registered for the offences punishable
under Sections 341, 448, 323, 324, 307, 379, 504, 506 and 34 of
the Indian Penal Code.

As per prosecution case, in the night of the alleged
occurrence the informant woke up. In the meantime, one person
assaulted the informant on his head by sword and another person
assaulted his wife on her head by sword. Both persons were
identified as by the informant as co-accused, Vikesh Kumar and
another accused Manoj Das who is the present petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and have committed no offence but he has falsely been made accused in this case. He further submits that there is land dispute between the parties and both parties are relatives. The petitioner is in custody since 29.08.2021 and bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence and trial is in progress.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner. He submits that the informant has identified the petitioner and co-accused at the place of occurrence and injury report corroborated as alleged in the F.I.R.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail if trial is preferably not concluded within nine months from the date of receipt of the order on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Kadwa P.S. Case No. 219 of 2021, 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 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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