

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1291 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- PALANWA District- East Champaran

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MANNU KUMAR SON OF RAMBABU PD. @ RAMBABU
KUSHWARAH R/O VILLAGE- DHANHAR DIHULI, P.S.-
RAMGARHWA, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3089 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- PALANWA District- East Champaran

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CHUNNU SINGH S/o Late Chhabi Singh Resident of Village - Gamhriya,
P.S. Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1291 of 2022)

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

For the Opposite Party/s : Mr. Harishankar Kumar Soni, Advocate
Mr. Chandra Bhushan Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 3089 of 2022)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Harishankar Kumar Soni, Advocate
Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-04-2022 Heard the parties.

Both the aforesaid applications arise out of Palanwa
P.S. Case No. 142 of 2021 dated 15.09.2021 registered under
Sections 302, 120-B of the Indian Penal Code and Section 27 of
the Arms act. Therefore, both the aforesaid applications have



been heard together and are being disposed of by this common order.

Prosecution story in brief is that the deceased Kapil Dev Prasad had given dying declaration in which he has named Madhu Yadav and Dinesh Mahaseth, who have fired upon him and one Chandan @ Bajrangi. Both of them succumbed to injury. Post-mortem report reveals that two injuries have been found on the body of Kapil Dev Prasad and two injuries have been found on the body of Chandan @ Bajrangi.

Learned counsel appearing on behalf of the petitioners submits that so far as the present petitioners are concerned, they are not named in the FIR and this is one of the cases in which deceased, in his dying declaration, has specifically named two accused persons Madhu Yadav and Dinesh Mahaseth, who have assaulted him as well as one Chandan @ Bajrangi. That apart, nothing has surfaced in course of investigation against the petitioner.

Sri Harishankar Kumar Soni, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for grant of bail to the petitioner. He has made his specific submission relying upon paragraph no. 51 of the case diary that one co-accused Mannu Kumar has named these two



petitioners that they have committed the murder of the deceased.

Learned A.P.P., for the State has also opposed the prayer for grant of bail to the petitioners. He submits that charges have not been framed and there is every possibility that petitioners may tamper the evidence as well as influence the witnesses as such petitioners do not deserve to be enlarged on bail.

Considering the specific submission made against co-accused Madhu Yadav and Dinesh Mahaseth by the deceased in his dying declaration, petitioners are not named in the FIR, from the materials which have surfaced in course of investigation only minuscule evidence has been gathered against the petitioners. Prima facie petitioners have made out a case to be enlarged on bail.

The Court below is directed to release the above named two petitioners on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, East Champaran at Motihari in connection with Palanwa P.S. Case No. 142 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(v) The petitioner will make his attendance before the concerned police station under which his house is located once in a month till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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