

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2965 of 2023

Arising Out of PS. Case No.-417 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MANOJ YADAV @ MANOJ RAI S/o Muneshwar Rai @ Muneshwar Yadav
R/o Village- Jitwarpur (Hasanpur), P.S.- Samastipur Muffasil, Distt-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
11.10.2022 , in connection with Samastipur Muffasil P.S. Case No.
417 of 2022, F.I.R. dated 28.09.2020 registered for the offences
punishable under Sections 341, 307, 325 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 18.09.2020 at
about 08:30 P.M. the informant left his friend namely Abhinandan
and thereafter returned his house and reached near the door of
Vinod. Some persons namely Manoj Yadav, Munna, Mantri were
sitting and Munna ordered to Manoj Yadav to kill the informant
and Manoj Yadav fired gun shot to the informant and informant
badly injured then the informant was taken to Narayan Hospital



for treatment.

Learned counsel for the petitioner submits that the petitioner carries one more case other than the present and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.10.2022.

The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record and case diary as well as injury report vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he fired upon the victim and the victim has sustained injured and the injury report which was found that there was firearm injury and all the injuries are grievous in nature.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IInd, Samastipur in connection with Samastipur Muffasil P.S. Case No. 417 of 2022, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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