

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14599 of 2023**

Arising Out of PS. Case No.-455 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

MANISH KUMAR SON OF BINOD SAH @ VINOD SAH R/O VILL.-
MIRGANJ, WARD NO. 23, P.S.- NAGAR, DISTT.- BEGUSARAI, PIN-
851101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 11-07-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Town
(Ratanpur) P.S. Case No. 455 of 2022 dated 29.07.2022 registered
for the offence under Sections 387, 302/34 of the Indian Penal
Code.

The petitioner along with others alleged to have
assaulted the husband of the informant by means of bricks and
stick causing him injury due to which he died after treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this 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. He further submits



that on bare perusal of the F.I.R. it transpires that no specific allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against the petitioner in the F.I.R. He further submits that informant is not the eye witness to the alleged occurrence and merely on the basis of suspicion, this petitioner has been implicated in this case. Moreover, the co-accused, namely, Aman Kumar @ Ram Krishna Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 1047 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Begusarai in connection with Town (Ratanpur) P.S. Case No. 455 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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