

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11187 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- DINARA District- Rohtas

Manoj Kumar Singh Son of Sukar Singh R/v- Arang, P.S.- Dinara (Bhanas),
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.11.2022 in connection with Dinara (Bhanas) P.S. Case No. 81
of 2021 , F.I.R. dated 14.05.2021 for the offences punishable
under Sections 147, 148, 149, 429, 302 and 201 of the Indian
Penal Code.

According to prosecution case, on the basis of
Fardbeyan of informant Kamta Singh, on 13.05.2021 at 8 A.M.
the informant had gone from his house with his 41 cows, six
calf and one bull for grazing at Arung Siman and at about 5 P.M.
returned to his home with 37 cows and four calves but four cows,
two calves and one bull and his nephew Tunna Singh was not
returned his house. It is further alleged that when the
informant's seven animals and nephew not returned to his home



then the informant started searched them but not found any traced. On 14.05.2021 at 6 A.M. the informant along with villages Badan Singh, Nirmal Singh, Upendar Singh, Vishawnath Singh, Ashok Singh during the course of searched of his seven animals and nephew, when reached on Chhawar situated at village Arung then saw that all the F.I.R. named accused persons were jointly throwing his dead animals in Tomato field situated beside the Chhawar and when the informant's nephew Jhunna Singh and villages arrived there then all the above named accused persons started abusing them by saying that they will also thrown after killing them as they will throw Tunna Singh, after killing him and their dead bodies will not be found. Thereafter, the informant's villagers flew away from there and narrated the matter to the informant then informant gave information to Bhanas police station by phone and the informant along with about 40-50 villagers arrived at Chhawar situated at Arung, meanwhile police also arrived there and found all accused persons were absconded and his died seven animals thrown in Chhawar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare



perusal of the F.I.R. it is transpired that there is general an omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act is attributed against the petitioner. He further submits that similarly situated co-accused persons namely, Jaipati Singh, Ravi Mahto @ Ravikant Singh and Mod Narayan Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 12.04.2022 passed in Cr. Misc. No. 58591 of 2021, Cr. Misc. No. 59104 of 2021 and Cr. Misc. No. 61212 of 2021, respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-IIIrd Bikramganj, District- Rohtas in connection with Dinara (Bhanas) P.S. Case No. 81 of 2021, 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 witnesses, 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 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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