

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21132 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MANIBHUSHAN RAI @ MANIBHUSHAN KUMAR RAI @ CHONHA
S/O RAMCHANDRA RAI R/O Village- Sonbarsha Chowk, P.O and P.S-
Muffasil (Samastipur), Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24707 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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PANKAJ KAPAR @ HALDHAR KAPAR Son of Late Kashi Kapar Resident
of village - Bhuidhara Dih, Musapur, P.O and P.S. - Muffasil (Samastipur),
Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21132 of 2023)

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

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 24707 of 2023)

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State in both the applications.

2. The petitioners seek bail in connection with

Muffasil (Samastipur) P.S.Case No.566 of 2022, F.I.R. dated

02.12.2022 registered for the offence punishable under Section



147,148,149,341,323,332,336,337,307,353,379,109 of the Indian Penal Code.

3. Allegation against the petitioners is that while the Vaishali Police came to apprehend the accused of Town P.s. Case No.470 of 2022 under Section 396 of IPC then these petitioners brutally assaulted the constable alongwith driver of the vehicle, causing injury and they also snatched loaded A.K.47.

4. Learned counsel appearing for the petitioners submits that petitioner-Manibhushan Rai @ Manibhushan Kumar Rai @ Chonha has clean antecedent and petitioner-Pankaj Kapar @ Haldhar Kapar carries nine more cases other than the present one. The petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and alleged Government A.K.47 Gun of constable Md. Manzoor Ali has been recovered on the basis of the confessional statement of the co-accused person, namely, Rishipal @ Bhola and there is no allegation of any assault or overt-act attributed against both the petitioners and said co-accused person, namely, Rishipal @ Bhola has been granted bail by this Court vide order dated 31.07.2023 passed in Cr. Misc. No.23255 of 2023 and the



police, after investigation, submitted chargesheet against the petitioners and petitioner-Manibhushan Rai @ Manibhushan Kumar Rai @ Chonha is in custody since 03.12.2022 and petitioner-Pankaj Kapar @ Haldhar Kapar is in custody since 06.01.2023 respectively.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that petitioner-Pankaj Kapar @ Haldhar Kapar carries nine more cases other than the present one but fairly submits that out of nine case, petitioner-Pankaj Kapar @ Haldhar Kapar is on bail in eight cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Muffasil (Samastipur) P.S.Case No.566 of 2022, with the following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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