

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23526 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- MANJHAGARH District- Gopalganj

Umar Ali Son Of Habib Miya Resident Of Village- Pipara, Ps- Manjhagarh,
Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 07.03.2022 in connection with Manjhagarh P.S. Case No. 52 of 2022, F.I.R. dated 20.02.2022 for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code.

4. According to prosecution case, under a conspiracy by unknown crime personnel, the brother of the informant was called to the house and murdered and they threw the dead body in Chanwar area to scratch of the evidence.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation after one month of the date of the occurrence merely on the basis of suspicion that the deceased had relation with the daughter of the petitioner and apart from that the petitioner carries 10 criminal antecedents other than the present one. He further submits that the confessional statement of the petitioner was recorded and except the confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.03.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries ten criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the cases.

7. 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 10th



Additional District & Sessions Judge, Gopalganj in connection with Manjhagarh P.S. Case No. 52 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 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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