

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31130 of 2023**

Arising Out of PS. Case No.-744 Year-2021 Thana- AKBARPUR District- Nawada

Manoj Rajbanshi @ Karu Rajbanshi S/O Late Sharan Rajbanshi R/O Village-
Mayapur, P.S- Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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

4 18-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 06.12.2021, in connection with Sessions Trial No. 102 of 2022 arising out of Akbarpur P.S. Case No. 744 of 2021, F.I.R. dated 04.12.2021 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he thrashed the deceased Pinki Devi on the ground as a result of which the daughter of the informant namely Pinki Devi died on the spot.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent 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. He further submits that as per allegation in the F.I.R. the petitioner thrashed the deceased on the ground as a result daughter of the informant died on the spot. He further submits that the allegation as alleged in the F.I.R. is not supported the medical evidence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.12.2021.

5. Learned APP for the State, on the other hand, has vehemently opposes the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner in the F.I.R. and the petitioner is the husband of the deceased.

6. Vide order dated 07.08.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 18.08.2023 reveals that case is pending for the examination of prosecution witnesses and none of the witnesses have been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since



06.12.2021.

8. Considering the aforesaid facts and circumstances of the case as well as in view of the report of the learned Trial court and the period of custody, let the petitioner, above named, be released on bail 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 Sessions Judge-IX, Nawada in connection with Sessions Trial No. 102 of 2022 arising out of Akbarpur P.S. Case No. 744 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 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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