

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30850 of 2023**

Arising Out of PS. Case No.-79 Year-2022 Thana- EAST COLONY District- Munger

Manoj Kumar @ Manoj Kumar Ram son of late Kamdeo Ram Village- Amari
Ps- Dharhara Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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

3 25-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
07.11.2022 in connection with East Colony P.S. Case No. 79 of
2022, F.I.R. dated 25.10.2022 for the offences punishable under
Sections 393, 302/34 of the Indian Penal Code.

3. According to prosecution case, one Kunti Devi gave
her written complaint before the police on 25.10.2022 alleging
therein that her husband late Shyamdeo Prasad was night guard
in Jamalpur post office. All on a sudden on 25.10.2022 at about
12;00 p.m. she received mobile call and came to know that
some mus-happening has happened with his husband. She
immediately rush to the P.O. and reached the post office with



family at 3 P.M. where she saw the gathering of police staffs and local people. When she entered in the room then saw the dead body of her husband.

4. 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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Rahul Kumar who is happens to be son of the petitioner and except the confessional statement of the co-accused Rahul Kumar no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and even no one has seen the present occurrence and the petitioner has falsely implicated in the present case only on the basis of suspicion. 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.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question.



6. 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 Chief Judicial Magistrate, Munger in connection with East Colony P.S. Case No. 79 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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