

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32118 of 2023

Arising Out of PS. Case No.-64 Year-2020 Thana- BIDUPUR District- Vaishali

MANISH KUMAR @ MANISH SINGH @ MANISH RAI @ NANKI Son
of Jitendra Rai @ Jitendra Ray @ Jitendra Singh R/o Village - Nanhak Chak,
P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shadwal Harsh, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 23-08-2023

Heard the parties.

The petitioner is in custody in connection with Bidupur P.S. Case No. 64 of 2020 for the offence under sections 399, 402 of the Indian Penal Code and section 25(1-b)a, 26 and 35 of the Arms Act lodged on 24.02.2020 by the informant, Amrendra Kumar.

As per the prosecution story, the Police upon information that accused persons have assembled to commit crime near Bidupur petrol pump, reached the spot and tried to apprehend them. Four escaped, one person was apprehended. He gave the name of the other persons including the petitioner. From Mukul Kumar, two live cartridges and a pistol recovered. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that the Police every now and then, keep on implicating him in one and



another case which reflects in paragraph 3 inasmuch as he has been made accused in one dozen cases.

It is his further submission that he was not at the place of occurrence, nothing has been recovered from him and on the basis of confession of Mukul Kumar, his name has come for which he has already suffered by being in custody since 19.11.2022 (as stated in paragraph 8 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner as also his period of custody i.e. 19.11.2022 , FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of CJM, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 64 of 2020 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

Before parting, this Court would like to put on record its word of appreciation for Mr. Shadwal Harsh, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

kiran/-

U		T	
---	--	---	--

