

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29155 of 2023

Arising Out of PS. Case No.-72 Year-2021 Thana- BIDUPUR District- Vaishali

MANISH KUMAR @ MANISH SINGH @ MANISH RAI @ NANKI Son
of Jitendra Rai @ Jitendra Ray @ Jitendra Singh Resident of village - Nanhak
Chak, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 72 of 2021 registered for the offence under Sections
147, 148, 149, 448, 341, 323, 307 and 504 of the Indian Penal
Code and Section 27 of the Act.

The petitioner is alleged to have opened repeated fire
upon the informant which hit him on his stomach and his finger.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case merely because of his earlier criminal antecedents. He
further submits that on bare perusal of the F.I.R., it appears that
the petitioner allegedly opened fire upon the informant causing
bullet injury to his stomach. 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. He further submits that no injury report was submitted by the prosecution before the trial court and the same is also not found in the case diary. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.02.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve cases other than the present one. However, he fairly submits that there is no injury report available on the record and case diary.

Considering the facts and circumstances of the case and period of custody, let the, above named, petitioner 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 learned J.M.-1st Class, Hajipur, Vaishali in connection with Bidupur P.S. Case No. 72 of 2021 with 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled 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.

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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