

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31536 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Manoj Singh, Son of Late Pitamber Singh, Resident of Village-Ahiyapur,
P.S.-Sahebganj, District-Muzaffarpur, State-Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nachiketa Jha, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-01-2023 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.

Heard Mr. Nachiketa Jha, learned counsel appearing
on behalf of the petitioner, Mr. Shashank Shekhar, learned
counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sadar (Muzaffarpur) P.S. Case No. 171 of 2020
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed
by the informant alleging therein, that the informant came to
know that his son was killed by some unknown persons by



causing firearm injury. It is also alleged that when he reached at the hospital, he found that the post-mortem of his son was already conducted and two bullet injuries have been found over the head and the chest. The informant suspected the hands of the of the petitioner and other three persons, who are the villagers and they were threatening to the deceased and his father from earlier.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that there is no eyewitness to the alleged occurrence and, save and except the suspicion there is no material suggesting the complicity of the petitioner in the present crime and, moreover, taking into consideration this aspect, co-accused 'Chandan Kumar' against whom similar allegation has been made, he has been granted anticipatory bail by learned co-ordinate Bench of this Court on 09.08.2021 in Cr. Misc. No. 6239 of 2021, as contained in Annexure-3 to the application. He further submits that the petitioner was also pursuing his remedy before this Court in Cr. Misc. No. 28286 of 2021 for grant of his anticipatory bail, but as, in the meantime, the process under Sections 82 and 83 has been issued, he withdrew his application. He lastly submits that now the investigation of the crime is complete and the charge-



sheet has been submitted and he is in custody since 05.04.2022.

The petitioner is ready to give undertaking that he will fully co-operate in the trial till its conclusion.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the petitioner is a habitual offender and prior to the occurrence, he used to give threat to kill the deceased and his complicity cannot be denied. He next submits that now the trial has been started and one of the witness has been examined and his release would certainly delay the trial.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that one of the co-accused persons having similar allegation has been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this court and, moreover, there is no incriminating material collected during the course of investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur



in connection with Sadar (Muzaffarpur) P.S. Case No. 171 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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