

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32638 of 2023

Arising Out of PS. Case No.-159 Year-2019 Thana- SISWAN District- Siwan

Manoj Nut @ Umesh Nut S/O Rajendra Nut R/O Village- Mehasi Station,
P.S- Mehasi, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 29.01.2023 in connection with B.P. No.338 of 2023 arising out of Siswan (Chainpur O.P.) P.S. Case No. 159 of 2019, F.I.R. dated 04.08.2019 for the offences punishable under Sections 395, 397 of the Indian Penal Code.

3. According to prosecution case, on 03.08.2019 at 9.30 pm, while the informant was washing his hand at the door, in the meantime, 10-15 unknown persons came and fired upon him causing gunshot injury on his ear. Thereafter, all the accused persons forcibly entered the house and also assaulted family members and looted away household article, jewellery, cash, etc.



4. Learned counsel for the petitioner submits that petitioner is innocent 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 namely Ravindra Nut and Lakhan Singh. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Ravindra Nat @ Dholan Nat has been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2021 passed in Cr. Misc. No. 36867 of 2020 and another co-accused namely, Lakhan Singh @ Laakhan Singh has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 02.09.201 passed in Cr. Misc. No.20447 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one, but fairly submits that



petitioner is on bail in all the cases.

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, Siwan in connection with Siswan (Chainpur O.P.) P.S. Case No. 159 of 2019, 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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