

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35915 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- RAXAUL District- East Champaran

MUNNA MANSURI S/O HANIF MANSURI R/O Village-Birgunj
Murlichak, P.S. Birgunj, Dist. Parsa (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sumit Kumar, Advocate

For the Opposite Party/s : Mr Abhay Kumar Roy, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023 Heard Mr Sumit Kumar, learned counsel for the
petitioner and Mr Abhay Kumar Roy, learned APP

2 The petitioner is in judicial custody in connection with Raxaul PS Case No 10 of 2023 registered for the offence punishable under Sections 341, 324, 307, 504, 506/34 of Indian Penal Code.

3 Case, as per the prosecution story, is that the informant has alleged that the named accused Vijay, Saddam and Raushan assaulted him by khukhri and knife. Along with the 3 named accused persons, 3 unknown persons were also there. When Akash Gupta came to his rescue, he was also assaulted. They were taken to the Hospital in a serious condition. Accordingly, the FIR.



4 It is the case of the petitioner that the informant had not named him. Allegation of assault is against co-accused Vijay, Raushan and Saddam. General and omnibus allegation is there against unknown persons and during investigation, one of the unknown persons has been attributed to him.

6 In this case, the earlier Bench had called for the case diary on 12.07.2023 which has been received and learned APP, after going through it, has drawn attention of the Court towards the statement of second injured Akash Gupta recorded in paragraph 7 of the case diary that along with Vijay, Raushan and Saddam, he has also named the fourth person as the petitioner. To this, learned counsel for the petitioner submits that in any case, the allegation is general and omnibus in nature of only assaulting the injured. Specific allegation is not against the petitioner and the informant has not named the petitioner. The last submission is that the petitioner is in custody since 15.01.2023 (paragraph 13 of the petition) and he does not have any criminal antecedent.

7 Considering the fact that the petitioner has no criminal antecedent, the informant has not named the petitioner, he is in custody since 15.01.2023, general and omnibus allegation is against the petitioner though at later stage, the



second injured named him, this Court is inclined to extend him the privilege of bail with conditions but only after framing of charges.

8 Let the petitioner above named be released on bail, after framing of charges, on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, Motihari in Raxaul PS Case No 10 of 2023 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his 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 bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next 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 his 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.

9 With the aforesaid observations, this application is allowed.

(Rajiv Roy, J)

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