

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41778 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- PHULWARIA District- Begusarai

MANOJ SAH @ MANOJ KUMAR SAH S/O KESHO SAH R/O Ward No.
9, near UCO Bank, Vill.- Baro, P.S- Phulwaria, Distt.- Begusarai, Bihar-
851118.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrit Kumar, Adv. Mr. Kumar Shanu, Adv. Mr. Abhishek Ravi, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Avinash Chandra, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Amrit Kumar, learned counsel for the

petitioner and Mr. Avinash Chandra, learned counsel for the

informant as well as Mr. Md. Fahimuddin, the learned A.P.P.

for the State.

The petitioner apprehends his arrest in connection
with Phulwaria P.S. Case No. 29 of 2023 registered for the
offence under Sections 147, 148, 149, 341, 323, 386, 307,
379, 504 and 506 of the Indian Penal Code.

The petitioner is alleged to have assaulted the
informant by means of iron rod on different parts of the
body causing him injury.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the specific allegation of inflicting head injury to the informant by means of iron rod is attributed to the co-accused, Rikki Kumar and thereafter co-accused, Subham Kumar assaulted the informant with khanti on the back side of his head causing bleeding from his head. He further submits that though the petitioner along with other accused have been alleged to have assaulted the informant by iron rod but they have not inflicted any injury on his head. Moreover, co-accused, Pradhumn Kumar Sah @ Pradhum Kumar and Shubham Kumar having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.07.2023 and 30.08.2023 passed in Cr. Misc. No. 3459 of 2023 and Cr. Misc. No. 33401 of 2023, respectively and the case of this petitioner stands on better footing.

Learned counsel for the informant as well as learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has assaulted the



informant along with his associates although they have been granted bail but prayer for bail of one of the co-accused, Rikki Kumar has been rejected vide order dated 25.07.2023 passed in Cr. Misc. No. 38762 of 2023.

Considering the facts and circumstances of the case and the nature of accusation against the petitioner and similarly situated co-accused persons have been granted bail, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-I, Begusarai in connection with Phulwaria P.S. Case No. 29 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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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