

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37420 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- WARISNAGAR District- Samastipur

Vishal Kumar Son of Manoj Sharma @ Manoj Kumar Sharma Resident of
village - Rambhadrapur, P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Warisnagar P.S. Case No. 208 of 2022 registered for the offence
under Sections 147, 148, 149, 341, 302, 504, 506, 120-B of the
Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.02.2023.

The allegation against this petitioner is to commit
murder of brother of informant along with other co-accused
persons by making assault with lathi, iron rod etc. out of
previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that the allegation against petitioner is appearing very much general and omnibus, rather same is appearing specific against Lal Babu, Pappu and Kargil as to cause fatal assault. It is submitted that informant is not the eye witness of the occurrence and entire allegation is based upon suspicion. It is submitted that similarly situated co-accused, namely, Yashwant Kumar @ Pappu Rai has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 7846 of 2023 vide order dated 02.05.2023. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is appearing very much general and omnibus, rather same is available specific against other co-accused persons, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.02.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Warisnagar P.S. Case



No. 208 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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