

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39073 of 2023**

Arising Out of PS. Case No.-647 Year-2021 Thana- SARAIYA District- Muzaffarpur

ABHIMANYU KUMAR @ MANNU KUMAR S/o- MANOJ SINGH
Village- Reva Nichala Tola P.S- Saraiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 12.01.2023 in connection with Saraiya P.S. Case No. 647 of 2021, corresponding to S.Tr.No.691 of 2022, F.I.R. dated 15.09.2021 registered for the offence punishable under Sections 302/34 of IPC and Sections 25(1-b)a,26/35 of Arms Act.

3. The case of the prosecution in brief, according to the informant, is that on 15.09.2021 at about 10 am, two persons namely Rakesh Kumar and Keshav Kumar along with co-villagers namely Abhimanu Kumar, Ankit Kumar and Satish Kumar had arrived at the house of the informant and



had taken meal there. It is also alleged that at about 2 pm, when the informant was watching T.V., he heard sound of two gun shot firing and had then gone towards his dalan, where he saw his son lying in a pool of blood and in front of his son, the co-accused persons namely Rakesh Kumar and Keshav Kumar were sitting on a chair and one of them was holding a pistol in his hand while the other three accused persons namely Abhimanu Kumar, Ankit Kumar and Satish Kumar were standing there. Thereafter, the son of the informant is stated to have been taken to the hospital, where he was declared dead.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence and informant himself stated in the FIR that the firearm was found in the hand of Keshav Kumar and Rakesh Kumar and the petitioner was also present at the place of occurrence and there is no accusation of any assault or overt-act attributed against the petitioner and merely on the basis of suspicion the petitioner has been implicated in the present false case and the co-accused, namely, Rakesh Kumar,



who is holding the revolver in his hand, has been granted bail vide order dated 19.12.2022 passed in Cr. Misc. No. 11394 of 2022 and co-accused, namely, Keshav Kumar, who is also on suspicion that he has holding the revolver, has been granted bail vide order dated 14.02.2023 passed in Cr. Misc. No. 37799 of 2022 and co-accused, namely, Laddu Kumar @ Laddu Singh @ Sameer Kumar has been granted bail vide order dated 08.05.2023 passed in Cr. Misc. No. 9841 of 2023 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was accompanied with other co-accused persons and it has come during investigation that the petitioner was involved in the present crime in question and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. In view of the aforesaid, other co-accused persons



have been granted bail by different Coordinate Benches of this Hon'ble Court and except the suspicion, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, 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 learned A.D.J.-XI, Muzaffarpur in connection with Saraiya P.S. Case No. 647 of 2021, corresponding to S.Tr.No.691 of 2022, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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