

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47562 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- CHAKIA District- East Champaran

Manish Kumar @ Manish Kumar Gupta son of Prem Prasad Village- Kuawa
Ps- Chakiya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Mukhiya

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Chakiya PS Case No. 363 of 2022, registered for the offences punishable under Sections 447, 326, 109, 307, 302, 504, 506 and 34 of the Indian Penal Code.

3. According to the FIR, petitioner is alleged to have caught hold the brother of informant and another co-accused Prabhat Kumar hit his brother on his head with sword, as a result of which he fell down on the ground.

4. Learned counsel for the petitioner submits that petitioner has got clean antecedent and due to land dispute between the parties he has been falsely implicated in this case. He further submits that from bare perusal of FIR it appears that there is no allegation of specific overt act against this petitioner.



Specific allegation of assault upon the deceased is against other co-accused person.

5. Learned APP for the State and learned counsel for the informant, on the other hand vehemently oppose the prayer for bail and submit that petitioner is mastermind of the present occurrence and petitioner has caught hold of the deceased. They further submit that process of section 82 and 83 has already been initiated, but fairly submit that after the filing of present bail application.

6. Considering the facts and circumstances of the case and clean antecedent, let the petitioner above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, East Champaran at Motihari in connection with Chakiya P.S. Case No. 363 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further 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 absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case, 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 antecedents, 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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