

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53967 of 2023

Arising Out of PS. Case No.-209 Year-2021 Thana- HARSIDHI District- East Champaran

Manish Kumar @ Manish Patel Son Of Gena Raut Resident Of Village-
Harsidhi Babu Tola, Po -And Ps- Harsidhi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.05.2023 in connection with Harsidhi P.S. Case No. 209 of 2021, F.I.R. dated 06.06.2021 for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, on 03.06.2021, informant's son received a call and went out from the house informing his mother that his friend called him but his son did not return. When the informant called Manish Kumar (petitioner) who informed that his son will come back after some time and thereafter, Manish Kumar (petitioner) switched off his mobile. It is further alleged that informant's son had earlier talked with the friends of Manish Kumar (petitioner)



namely Bhim Kumar and others who threatened to kill his son. It is further alleged that on 01.06.2021, Deepak Kumar and Atish Kumar assaulted informant's son in the market. It is further alleged that on 05.06.2021, the informant came to know that his son had been killed by slitting his neck.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and as per allegation as alleged in the F.I.R. is that the petitioner is friend of the deceased and he has given conference talk with the other co-accused. He further submits that the allegation against the petitioner and other co-accused persons that they have threatened the son of the informant to kill him. He further submits that similarly situated, co-accused, namely, Rupesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 23.03.2022 passed in Cr. Misc. No. 61803 of 2021 and Bhim Kumar @ Prince Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 08.02.2023 passed in Cr. Misc. No.54335 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the



petitioner is in judicial custody since 20.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he was involved in the present crime in question. He further submits that petitioner carries four criminal antecedents other than the present one, in which petitioner is on bail in all the cases.

6. Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 209 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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