

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58466 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- PIPRA District- East Champaran

1. MANISH KUMAR S/O- Suresh Sah Village- Jahingra, P.S- Pipra, Dist- East Champaran.
2. Vikash Sah @ Vikash Kumar S/O- Suresh Sah Village- Jahingra, P.S- Pipra, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioners are in custody in connection with Pipra P.S. Case No. 186 of 2023 for the offence under sections 341, 323, 324, 354, 379, 307, 504, 34 of the Indian Penal Code lodged on 13.06.2023 by the informant, Shail Devi.

3. As per the prosecution story, there was an engagement ceremony in the house of the informant when the petitioner no. 1, Manish Kumar came at their door in an inebriated state and started abusing them. He was scolded by the informant side whereafter he left the place, engagement ceremony completed. The next day, he alongwith other accused persons came armed variously and allegation against petitioner



no. 2, Vikash Sah @ Vikash Kumar is that he gave 'Farsa' blow on the head of the informant's son who was engaged a day before causing injury to him. The allegation against Manish Kumar is of snatching the money from them as also the other accused persons assaulted the informant. The informant's son was rushed to the hospital followed by the FIR.

4. Considering the kind of allegation that has come against the petitioner no. 2, Vikash Sah @ Vikash Kumar, for the present, no relief can be granted to him.

5. So far as petitioner no. 1, Manish Kumar is concerned, though he is the cause of the entire occurrence, in view of the fact that role of assault is not against him and is in custody since 15.06.2023, this Court is inclined to extend him the privilege of bail only after framing of charges.

6. Let the petitioner no. 1, namely, Manish Kumar be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, in connection with Pipra P.S. Case No. 186 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

7. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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