

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57201 of 2022

Arising Out of PS. Case No.-1188 Year-2021 Thana- NAWADA District- Nawada

MANOJ KUMAR S/o Raj Kumar Prasad R/o village- Loharpur, P.S.-
Kadirganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Adv.

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 341, 323, 307, 302/34 of the Indian
Penal Code.

As per written report of the informant Anita Devi is that
while her son namely Priyanshu Kumar was sitting with Vikash
Kumar, someone called out in the name of her son. Thereafter, her
son along with Vikash Kumar came outside of the house. The
informant also came at the entrance and saw the petitioner along
with others were standing outside. Thereafter the informant went
to the house of petitioner then she saw that petitioner Manoj
Kumar, Krishna Kumar, Golu Kumar and Ram Kumar were
assaulting her son and Vikash Kumar. She raised alarm then the
accused persons fled away. Thereafter, the son of the informant



was taken to the hospital, where the doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is named in the F.I.R. but it appears from the F.I.R. that there is general and omnibus allegation against the petitioner. There is no specific allegation of any assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of materials available on record and in the case diary and fairly submits that there is no specific allegation of assault or overt act against the petitioner. He further submits that the petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Nawada (Town) P.S. Case No.1188/2021 (G.R. No.3828/2021), 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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