

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62223 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- BANKA District- Banka

Ashwini Kumar @ Ashwini Manjhi S/o Mahendra Manjhi R/V- Goa Bakhar,
P.O.- Domuhan, P.S.and Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sameer, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 151 of 2021 lodged under Section 307 of
the I.P.C. read with Sections 25(1-b)a/ 26/ 27 of the Arms Act.

As per the prosecution case, the allegation of firing
upon the accused person is there once at the shop and second
time on the Bolero vehicle. It has been stated by the informant
that informant has handed over the accused as well as *desi katta*
and motorcycle, thereafter the F.I.R. has been lodged.

Learned counsel for the petitioner submits that the
entire prosecution story is basically a concocted story. Upon

comparison between the F.I.R. and the seizure list, it transpires that F.I.R. has been lodged by the informant Ashutosh Kumar, whereas the person who has handed over *desi katta* and motorcycle is not by the informant but other person. Counsel further submits that 5 antecedents have been shown in paragraph 3 of the petition. Counsel submits in this regard that all the cases have been filed against the petitioner by the informant or his family members. He submits that petitioner is in custody since 27.04.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 151 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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