

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56271 of 2022

Arising Out of PS. Case No.-291 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. MANOJ KHARWAR @ MANOJ KUMAR S/O RAMA KHARWAR
Resident of village- Barahan Gopal, P.S.- Siwan Muffasil, District- Siwan.
2. SUSHIL KHARWAR @ SUSHIL KUMAR S/O RAMA KHARWAR
Resident of village- Barahan Gopal, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

After some argument, learned counsel for the
petitioners seeks permission to withdraw the bail application
with respect to the petitioner no.2, namely, Sushil Kharwar @
Sushil Kumar.

Permission is accorded.

Accordingly, the application filed on behalf of the
petitioner no.2, namely, Sushil Kharwar @ Sushil Kumar is
dismissed as withdrawn.

Heard learned counsel with respect to the petitioner
no.1, namely, Manoj Kharwar @ Manoj Kumar.



Petitioner seeks bail, who is in custody since 26.05.2022, in connection with Siwan Muffasil P.S. Case No. 291/2019, F.I.R. dated 29.07.2019, for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along with co-accused, namely, Kundan Kharwar had taken the daughter of the informant with them and subsequently, the dead body of the daughter of the informant was found. The informant states that he suspects the hands of six named accused persons including the petitioner in the murder of informant's daughter.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Kundan Kumar. He further submits that the petitioner has no concern at all with the alleged occurrence and there is no eyewitness of the alleged occurrence. He further submits that the similarly, situated co-accused person, namely, Chandan Kumar has been granted bail vide order dated 28.04.2021, passed in Cr. Misc. No. 6858/2021, another co-accused, namely, Rama Kharwar has been granted



bail vide order dated 06.04.2022 passed in Cr. Misc. No. 57171/2021 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.05.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 C.J.M., Siwan, in connection with Siwan Muffasil P.S. Case No.291/2019, 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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