

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60274 of 2022

Arising Out of PS. Case No.-764 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Manish Kumar @ Manish Yadav S/o Santosh Yadav Resident of village-
Kishanpur, P.S.- Nathnagar (Madhusudanpur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Sunil Prasad Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nathnagar (Madhusudanpur) P.S. Case No. 764
of 2020, registered for the offences punishable under Sections
147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and
Section 3/4 of the Explosive Substance Act.

The prosecution case is based on the fardbayan of the
informant alleging therein that when the informant was going to
purchase goods at the shop of Rajesh Yadav, in the way he saw
that all the FIR named accused persons including the petitioner



was abusing Sahodar Yadav and when the same was protested by the informant and other villagers all the accused persons fled away toward their house. It is further alleged that thereupon Poonam Devi, wife of Lalan Yadav, Manorama Devi, wife of Bhola Yadav and Sulekha Devi, wife of Santosh Yadav and wife of the petitioner given Bombs to all the accused persons including the petitioner and all of them hurled bombs upon the informant and the persons assembled there as resulted the informant and villagers received injuries.

Learned counsel appearing on behalf of the petitioner submits that there is omnibus allegation of throwing bombs against six named accused persons including the petitioner and no specific allegation of any overt act has been alleged against the petitioner. He further submits that allegedly on account of the explosion some persons including the informant has received injuries, but the injury report indicate the injury of three persons which are found to be simple in nature. He next submits that one of the Co-accused Santosh Yadav having similar allegation has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 55734 of 2021 vide order dated 21.06.2022 and the copy of which has been annexed as annexure- 3 to the petition. He lastly submits that the



petitioner is a man of fair antecedent and is in custody since 10.01.2022.

On the other hand learned APP for the State vehemently opposes the bail application, however, he has shown his inability to confront the fact that another co-accused person having similar allegation has been allowed privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the simple injuries sustained to the informant and others and the fact that another co-accused having similar allegation has been allowed privilege of bail by learned Co-ordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 764 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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