

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70123 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- EKMA District- Saran

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Manoj Sah @ Laddu Son of Manejar Sah @ Mainekar Sah R/O Village-
Ekripur Dakshin Tola (Parsagarh), P.S.- Ekma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74343 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- EKMA District- Saran

- =====
1. Ansu Kumar @ Anish Kumar Singh Son of Anil Singh @ Tiger Singh
Resident of Village- Ekripur Daxin Tola, P.S.- Akma, District- Saran
 2. Shivam Kumar @ Shivam Kumar Singh Son of Anil Singh @ Tiger Singh
Resident of Village- Ekripur Daxin Tola, P.S.- Akma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70123 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Chandra Mohan Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 74343 of 2022)

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.



Petitioners seek bail where petitioner, namely, Manoj Sah is in custody since 12.05.2022 and petitioners, namely, Ansu Kumar and Shivam Kumar are in custody since 14.10.2022 in connection with Ekma (Akma) P.S. Case No. 157 of 2022, F.I.R. dated 23.04.2022 for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

According to prosecution case, the informant Phulpati Devi, mother of the deceased has made allegation that the petitioners called and took out her son. Later on, six named accused persons killed her son by inflicting repeated knife blows.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that in fact, the informant is not the eye witness of the alleged occurrence and even no one has claimed to be an eye witness during entire investigation. He further submits that petitioners, namely, Ansu Kumar and Shivam Kumar at best are the last person who were seen with the deceased. He further submits that except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He



further submits that the police after investigation submitted the charge sheet against these petitioners. He further submits that similarly situated, co-accused, namely, Arvind Singh @ Arvind Kumar Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.03.2023 passed in Cr. Misc. No. 52717 of 2022. The petitioner, namely, Manoj Sah is in custody since 12.05.2022 and petitioners, namely, Ansu Kumar and Shivam Kumar are in custody since 14.10.2022

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of material available on record and case diary have vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that some of the witnesses has supported the case of the prosecution but fairly submits that they are not the eye witness of the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate , 1st Saran at Chhapra in connection with Ekma (Akma) P.S. Case No. 157 of 2022,



subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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