

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70759 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- MANPUR District- Nalanda

Manik Paswan @ Manik Chand Paswan, Son Of Ramchandra Paswan @
Karu Paswan Village- Chhabilapur, P.S- Manpur, Dist- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Manpur P.S. Case No. 83 of 2023, lodged on 08.05.2023 under
Sections 147, 148, 149 and 307 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged
against 7 named accused persons alleging that when the informant
was present at the police station he got information that some
miscreants were indulge in fight and firing and when the police
reached there, petitioner along with other persons who are indulge
in firing on each other tried to escape and four empty cartridges
were recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submitted that the petitioner has been falsely implicated in this



case and also there is no allegation of any overtact against any person and nobody had sustained injury. Counsel further submits that the other two accused persons of this case have been granted bail by the co-ordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 40936 of 2023.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 11.08.2023 and there are two criminal cases pending against the petitioner in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the case of those petitioners who have been granted bail by the co-ordinate bench of this Court and the case of present petitioner is different. Counsel also submits that those two accused persons who have been granted bail have no criminal antecedent whereas, there are two criminal antecedents of the present petitioner. Counsel further submits that at the time of consideration of bail to the petitioner, this aspect may be taken into consideration.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V,



Nalanda at Biharsharif in connection with Manpur P.S. Case No. 83 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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