

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70628 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- MURLIGANJ District- Madhepura

MANTOSH KUMAR Son of Mahanand Yadav R/v- Bhalni Ward No. 3,
(Gangapur), P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-04-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant of regular bail in connection with Murliganj P. S. Case No. 65 of 2022 dated 09.02.2022 registered for the offences punishable u/s 393 and 302 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, two miscreants boarded on a glamour motorcycle came and tried to stop the truck on the point of pistol but the said truck was not stopped on which one



of the miscreants fired on the driver which hit him due to which he fell down on the steering. It is further alleged that the informant saw two other miscreants in the headlight of truck but could not see their faces. Thereafter, the police came there and they took the injured to the hospital but he died during the course of treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The petitioner is not named in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. No Test Identification Parade has been conducted as yet by the prosecution. Learned counsel further submitted that the petitioner was arrested in connection with Muliganj P. S. case No. 206 of 2022. There is nothing against the petitioner except the self confessional statement before the police which is not tenable in the eye of law. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 30.05.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of



the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Murliganj P. S. Case No. 65 of 2022 with the condition:-

1. the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

shakir/-

U		T	
---	--	---	--

