

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2720 of 2023

Arising Out of PS. Case No.-139 Year-2014 Thana- ARER District- Madhubani

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MANOJ KUSHAWAHA S/O RAM CHANDRA KUSHAWAHA, Resident of
village- Jamuari, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 04-05-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Sessions Trial No. 150 of 2021, arising out of Arer P.S.
Case No. 139 of 2014 bearing G.R. No. 3350/2014, registered
for offence punishable under Sections 147, 148, 149, 323 and
302 of the Indian Penal Code.

As per allegation, the accused persons, named in the
FIR, assaulted the father of the informant and he died during the
course of treatment.



The learned counsel for the petitioner has submitted that there was free fight between two groups and there was old enmity between the parties.

The learned counsel for the petitioner has submitted that on similar footing, the coordinate Bench has granted bail to co-accused Sanjay Kushwaha in Cr. Misc. No. 4202 of 2022 and some other co-accused persons have also been granted bail, vide Cr. Misc. No. 40498 of 2015 and Cr. Misc. No. 18819 of 2016.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances and also considering that the case of the petitioner is on similar footing to the case of co-accused, who has been granted bail, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-11th, Madhubani in connection with Sessions Trial No. 150 of 2021, arising out of Arer P.S. Case No. 139 of 2014 bearing G.R. No. 3350/2014, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when



required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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