

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10041 of 2023**

Arising Out of PS. Case No.-203 Year-2022 Thana- ASHTHAWAN District- Nalanda

Manoj Halwai S/o Bhagwan Halwai R/o Village- Ugawan, P.S.- Asthawan,  
Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      04-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

In view of submission, as certified copy of the  
impugned order alongwith F.I.R. of this case was obtained, the  
defect(s), as pointed out, may be ignored.

The petitioner seeks bail in connection with Asthwan  
P.S. Case No. 203 of 2022 registered for the offence under  
Sections 302 and 120-B of the Indian Penal Code (in short  
'I.P.C.')

and subsequently, Section 288 of the I.P.C. was added.

The accused/petitioner is named in the F.I.R. and is in  
custody since 16.07.2022.

The allegation against the petitioner is to commit



murder of minor son of informant, aged about four years, alongwith other co-accused persons, while engaged with construction work of the house.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and out of suspicion, as minor son of informant died out of accident, the present false implication was raised. It is submitted that the allegation, as raised through present F.I.R., is also appearing very much general and omnibus, where after investigation of this case the charge-sheet submitted under Section 304 of the I.P.C. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of general and omnibus allegation, *qua*, physical assault, where informant is not the eye witness of the occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.07.2022, accordingly, the above named petitioner is directed



to be released on bail in connection with Asthwan P.S. Case No. 203 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Biharsharif, Nalanda/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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