

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74191 of 2022**

Arising Out of PS. Case No.-27 Year-2022 Thana- KIUL District- Lakhisarai

Manikant Yadav S/o Late Ramakant Yadav R/v- Khagaur, P.S.- Kiul, District-  
Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                  |
|--------------------------|---|--------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Gouranga Chatterjee, Advocate<br>Mr. Anirvan Choudhary, Advocate<br>Mr. Sahil Khan, Advocate |
| For the Opposite Party/s | : | Mr. Bhanu Pratap Singh, APP                                                                      |
| For the Informant        | : | Mr. Rabi Bhushan, Advocate<br>Ms. Rakhi Kumari, Advocate                                         |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-05-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the informant as well as learned  
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since  
18.10.2022 in connection with Kiul P.S. Case No. 27 of 2022,  
F.I.R. dated 22.02.2022 for the offences punishable under  
Sections 302/34 of the Indian Penal Code and Section 27 of the  
Arms Act.

According to prosecution case, all the accused persons



including the petitioner have committed murder of the father-in-law of the informant due to previous enmity.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is named in the F.I.R. and there is specific allegation against the petitioner. He further submits that it has come during investigation that the co-accused, namely, Shiva Kumar has confessed that he has committed murder of the deceased and pursuant to the confessional statement of the co-accused, the arms have been recovered from the place of occurrence which was used in the present occurrence. He further submits that police after investigation submitted final form in favour of the petitioner but the learned Magistrate differing with the final form has taken cognizance against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Sajjad has been granted bail by this Court vide order dated 24.04.2023 passed in Cr. Misc. No. 73125 of 2022 and another co-accused, namely, Sujit Kumar who is also not named in the F.I.R. has been granted bail by this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 52149 of 2022. The petitioner is in custody since 18.10.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 27 of 2022, subject to the following conditions:-

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

2. If the petitioner tampers 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



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

