

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37818 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- PHULWARIYA District- Gopalganj

Manish Kumar Yadav @ Manish Yadav @ Manish Kumar Son of Lalan
Yadav @ Lalan Chaudhary Resident of Village - Bhagwan Tola, P.S. -
Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 44/2023 registered for the offences
punishable under Sections 395 and 397 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per prosecution case, six unknown miscreants
made intrusion in the jewellery shop of the informant. It is
alleged that they assaulted the informant and also inflicted gun
shot injury to the informant's son and looted golden and silver
jewellery from his shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and the name of



petitioner transpired in this case on the basis of confessional statement of co-accused Pankaj Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has not been put on T.I.P. The petitioner is languishing in custody since 16.10.2023. Learned counsel for the petitioner further submits through supplementary affidavit that the petitioner bears criminal antecedent of 05 cases. No incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused Krishna Yadav has already been granted bail by this Court vide Cr. Misc. No.5149/2024 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution



evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Gopalganj; or it's successor in office in connection with Phulwariya P.S. Case No. 44/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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