

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45435 of 2024

Arising Out of PS. Case No.-236 Year-2020 Thana- MANIHARI District- Katihar

Md. Kabir son of Jainuddin R/o- Narayanpur Gopichak P.S- Manihari Dist-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr. Jitendra Kumar Giri, learned counsel for

the petitioner and Mr. Shyam Bihari Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
14.02.2023, in connection with Sessions Trial No. 369 of 2023
arising out of Manihari P.S. Case No. 236 of 2020, F.I.R. dated
04.08.2020 registered for the offences punishable under
Sections 324, 326, 447, 307, 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 18.08.2023 passed in Cr. Misc. No.
52217 of 2023 and thereafter the petitioner has again moved
before this Court in Cr. Misc. No. 18110 of 2024 but the same
was dismissed as withdrawn vide order dated 13.03.2024.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt or firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have all fired upon the victim and co-accused person namely, Bishwajeet Singh @ Vishwajit Kumar Singh @ Vishwajit Kumar against whom the similar allegation that he along with other co-accused person have fired upon the victim has been granted bail by a Coordinate Bench of this Court vide order dated 24.01.2023 passed in Cr. Misc. No. 60975 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.02.2023.

5. Vide order dated 02.08.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 09.08.2024 reveals that out of seven chargesheeted witnesses only one witness has been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not



concluded in near future and the petitioner is in custody since 14.02.2023.

7. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person against whom the similar allegation has been granted bail by a Coordinate Bench of this Court, there is no specific allegation against the petitioner as well as report of the learned Trial Court, let the petitioner, above named, be released on bail 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-Vth, Katihar, District- Katihar in connection with Sessions Trial No. 369 of 2023 arising out of Manihari P.S. Case No. 236 of 2020, 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 witness, 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 antecedents, 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)

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