

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62176 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Manoj Rai @ Manoj Kumar Rai @ Manoj Kumar Ray, Son of Singheshwar Rai, Resident of Village- Jhapra Tola, Ward No.- 31, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Verma, Advocate

Ms. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-09-2024 Heard Mr. Abhishek Kumar Verma, learned Advocate
for the petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with S.T. No. 133 of 2024, arising out of Saharsa Sadar P.S. Case No. 126 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 384, 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the father of the petitioner was going along with the informant on his motorcycle, in the meantime, all the F.I.R. named accused persons, including the petitioner,



surrounded him. It is specifically alleged that co-accused Md. Khalil opened fire, but fortunately the revolver did not work, thereupon he assaulted his father with the Butt of the revolver, due to which his father fell down and thereafter all the accused persons assaulted him, resulting into serious injuries. Later on, during treatment his father succumbed to the injuries.

4. Learned Advocate for the petitioner referring to the narrations made in the F.I.R. contended that omnibus nature of allegation has been levelled against all the accused persons, except Md. Khalil, who is said to have assaulted the father of the informant by the Butt of the revolver, leading to his death. The father of the informant died during the course of treatment and later on more than after 1½ months vide order dated 11.04.2023 Section 302 of the Indian Penal code was added. He next contended that with regard to an occurrence, which took place on 17.02.2023, the F.I.R. has been lodged on 21.02.2023 without any explanation for delay. Drawing the attention of this Court to Annexure-2 to the bail application, learned Advocate thus submits that one of the co-accused, having identical allegation, has been allowed the privilege of regular bail by the learned coordinate Bench of this Court vide order dated 02.07.2024 in Cr. Misc. No.31634 of 2024 and now the



petitioner has been incarcerated since 29.01.2024.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. as well as omnibus nature of accusation and the case of the petitioner based on parity, coupled with the fair antecedent, let the petitioner, named above, 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 Sessions Judge-IV, Saharsa in connection with S.T. No. 133 of 2024, arising out of Saharsa Sadar P.S. Case No. 126 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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