

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67733 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Manu Kumar @ Manu Bhagat Son of Jangee Bhagat Resident of Village-
Chandrahiya, P.S. - Muffasil, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Ranjan, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr.Abhishek Ranjan, learned counsel for the

petitioner and Mr.Md. Matloob Rab, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Muffasil (Motihari) P.S.Case No.139 of
2024,FIR dated 20.03.2024 registered for the offences
punishable under Sections 323,324,341,307,504 and 34 of IPC,
1860.

3. Allegation against the petitioner is that he
alongwith co-accused Prabhu Bhagat assaulted the uncle of the
informant,namely, Dhjarmendra Bhagat with iron rod, due to
which he received injury on his right side of temple.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent. He has falsely been implicated in the present case. From a bare perusal of the FIR it appears that the specific allegation of assault is attributed against co-accused person, namely, Prabhu Bhagat and there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and there is case and counter case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil (Motihari) P.S.Case No.139 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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)

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