

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75309 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- AUANGARI District- Nalanda

Manohar Kumar Son of Naresh Prasad Resident of Village- Kanhaiyaganj,
P.S.- Aungari, District- Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2024 Heard Mr. Umesh Kumar, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.05.2024 in connection with Aungari (Pir Bigha O.P.) P.S.
Case No. 101 of 2023, F.I.R. dated 19.10.2023 for the offences
punishable under Sections 341, 323, 307, 302, 504, 506/34 of
the Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner armed with iron rod have
brutally assaulted the informant and his father and during the
course of treatment the father of the informant died.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that due to
admitted land dispute between the parties, the present
occurrence has taken place. He further submits that the date of



occurrence as alleged in the F.I.R is 21.09.2023 but the present F.I.R has been instituted on 30.09.2023 i.e. after delay of 9 days without giving any explanation of the said delay. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Soni Devi and Samudri Devi @ Samundri Devi have been granted anticipatory bail by this Court vide order dated 24.04.2024 passed in Cr. Misc. No. 23285 of 2024. The petitioner is in custody since 13.05.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and the other accused persons have been granted anticipatory bail by this Court, 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 Judicial



Magistrate 1st Class, Hilsa, Nalanda in connection with Aungari (Pir Bigha O.P.) P.S. Case No. 101 of 2023, subject to the 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 absence on two consecutive dates without sufficient reason, his 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 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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