

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76562 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- UJIYARPUR District- Samastipur

Manish Kumar @ Prince Son of Budhan Ray R/o- Village - Samsipur Rupas
Bag , Police Station - Bachwara , District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-10-2024 Heard Mr.Mahendra Pratap, learned counsel for the
petitioner and Mr.Abhay Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.08.2024 in connection with Ujiyarpur P.S. Case No. 198 of 2024, F.I.R. dated 05.08.2024 registered for the offence punishable under Sections 309(6),61(2) of Bharatiya Nyaya Sanhita.

3. According to prosecution case, an altercation took place between the driver of the tanker and swift dzire car where the persons sitting inside the car have assaulted with the driver of the tanker and also tried to stole things.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of



the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Md. Sonu @ Maksud and thereafter the petitioner has himself confessed his guilt in the present occurrence and except the aforesaid no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from conscious possession or the house of the petitioner and the co-accused person, who has disclosed the name of the petitioner, namely, Md. Maksud @ Md.Sonu @ Maksud has been granted bail in Cr. Misc. No.65394 of 2024 vide order dated 24.09.2024 and co-accused person namely, Munna Kumar and Aman Kumar have also been granted bail in Cr. Misc. No. 68080 of 2024 vide order dated 30.09.2024 by a Coordinate Bench of this Hon'ble Court and co-accused person namely, Niraj Kumar @ Neeraj Kumar has also been granted bail by this Court in Cr. Misc. No. 67447 of 2024 vide order dated 25.09.2024 and the petitioner is in custody since 05.08.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner has confessed his guilt in the present case. Further submits that the



petitioner carries six more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 198 of 2024, with 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/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 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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