

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73087 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- WAJIRGANJ District- Gaya

Manish Kumar @ Manish Manohar Son of Ravindra Singh, Resident of
Village - Mayapur, P.S.- Wazirganj, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party : Mr. Manoj Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 03-04-2024 Heard Mr. Krishna Prasad Singh, the learned senior
counsel for the petitioner, the learned counsel for the informant
and Mr. Manoj Kumar No. 2, the learned Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
01.09.2023 in connection with Wazirganj P.S. Case No. 375 of
2023, FIR dated 22.06.2023, registered for the offences
punishable under Sections 302, 307 and 120(B) read with
Section 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

3. According to the prosecution case, the cousin
nephew of the informant informed her telephonically that
accused persons had killed uncle, i.e., the husband of the
informant, near Bhaluahi and Sadguru Rana mills. It is further



alleged that when the informant along with other villagers reached the place of occurrence, she found her husband in dead condition, who had sustained two fire-arm injury, each over head and chest.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of assault or overt act attributed against the petitioner and petitioner has been made accused in the present case merely on the ground that the petitioner was at the place of occurrence and it appears from the FIR itself that informant is not the eye-witness of the alleged occurrence and the co-accused person namely, Ravindra Singh @ Chandrabhushan Singh @ Ravinder Singh against whom there is allegation of firing, has been granted anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 73646 of 2023. He lastly submits that the police after investigation has submitted chargesheet and the petitioner is in judicial custody since 01.09.2023.

5. The learned counsel for the informant as well as the Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it



has come during investigation that in the paragraph no. 101, 102 and 103 of the case diary that the petitioner was apprehended in the present case and he had escaped from the police custody and for that another case was instituted by the prosecution, and apart from that petitioner carries four criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of assault or overt act attributed against the petitioner and the co-accused person against whom there is allegation of firing has been granted anticipatory bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Gaya, in connection with **Wazirganj P.S. Case No. 375 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.



(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 trial Court 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 trial Court 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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