

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79124 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- BRAHMPURA District- Muzaffarpur

Manish Kumar @ Toffee Rai @ Toffi Yadav S/o Anil Kumar Yadav @ Anil Rai R/o Mohalla - Krishna toli ward no. 3, Brij Bihari Gali, P.s. - Brahmpura, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 210 of 2024 arising out of Brahmpura P.S. Case No. 42 of 2023 for the offence punishable under sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act and subsequently 307 of IPC was also added, lodged on 28.02.2023 by the informant, Shabila Khatun.

3. As per the prosecution story, the informant alleged that in our minor dispute between the agnates, she called the accused persons and allegation against this petitioner is of opening fire on the informant which did not hit anyone, the allegation of assault on other accused persons are also there, this led to the FIR.



4. Learned counsel for the petitioner submits that only because he has number of criminal cases against him, has been implicated, has remained in custody since 31.07.2024 (para 13 of the petition) and if granted bail, shall diligently appear in trial without fail on each and every occasion. He is also ready to report the police station till the pendency of the trial.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though there is force in the submission of learned APP that he has criminal antecedent, since he has remained in custody since 31.07.2024, the injury part is not there in the case of informant, he has undertaken to diligently appear in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 17th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 210 of 2024 arising out of Brahmpura P.S. Case No. 42 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

