

Arising Out of PS. Case No.-366 Year-2024 Thana- BHARGAMA District- Araria

The State of Bihar Opposite Party/s

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate
Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam, APP

3. As per the prosecution story, the informant alleged that while the members of their family along with villagers were returning after offering puja having been elected in 'the PACS' election, the accused persons surrounded and later at the instigation of this petitioner, allegation is that Manish Kumar @ Kari Mehta used his tractor to crush a number of innocent persons and one of them namely, Dhananjay Kumar succumbed to the injuries. The further allegation is that they had threatened



the informant family of dire consequences, if the accused side loses the election.

4. Learned Counsel for the petitioner submits that main allegation is against Manish Kumar @ Kari Mehta who used the tractor which resulted into unfortunate death of Dhananjay Kumar and injuries to other villagers. So far as this petitioner is concerned, only to implicate, role of order giver has been assigned. If granted relief, he shall be diligently appearing in trial.

5. Learned APP for the State, opposes the prayer for anticipatory bail submitting that he has been assigned the role of order giver.

6. Taking into account the aforesaid facts as also that the main role has been assigned to Manish Kumar and he is alleged to be an order giver, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class-cum A.M. VIII, Araria, in connection with Bhargama P.S. Case



No. 366 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 fortnight till the conclusion of the trial.

(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 the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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