

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51829 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- MANSAHI District- Katihar

Manish Kumar Yadav Son of Arjun Yadav R/V- Gorgama, P.S.- Mansahi,
Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md Fazle Karim, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Rajiv Kumar Singh, Advocate
		Mr. Raunak Kumar Singh(Pankaj), Advocate
		Mr. Diwakar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2025 Heard Md. Fazle Karim, learned counsel for the petitioner, Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State and Mr. Rajiv Kumar Singh, learned counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Mansahi P.S. Case No. 190 of 2023, F.I.R. dated 30.11.2023 for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and later on Section 302 has been added.

3. According to prosecution case, the petitioner along with other co-accused persons is said to have assaulted the informant and his son due to which both got badly injured.



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 from perusal of the FIR, it appears that the petitioner is not named in the FIR and name of the petitioner transpired in paragraph 16 and 17 of the supplementary case diary, in which it is categorically stated that the petitioner has caught hold the deceased. It is further submitted that when the petitioner caught hold the deceased then why the informant did not mentioned it in the FIR. It suggest that the informant has developed the case after the present occurrence only to implicate the petitioner in the present occurrence. He further submits that even if we assume that the petitioner caught hold the informant for the sake of argument, it appears that the petitioner has not committed any assault or overt act against the deceased persons. He further submits that co-accused persons, namely, Kalpana Devi and Vimal Yadav have been granted anticipatory bail vide order dated 16.05.2024 passed in A.B.P. No. 196 of 2024 and A.B.P. No. 269 of 2024 respectively.

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



petitioner is involved in the present occurrence.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation of assault against the petitioner and initially he is not named in the FIR, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 C.J.M., Katihar in connection with Mansahi P.S. Case No. 190 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other 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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