

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48315 of 2025

Arising Out of PS. Case No.-1039 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Manoj Agarwal @ Manoj Kumar Agarwal S/O Late Murari Lal Agrawal R/O
Village- Bhabhua, Ward No.- 15, P.S- Bhabhua and District- Kaimur
(Bhabhua), Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2025 Heard Mr.Abhay Kumar Upadhyay, learned counsel
for the petitioner, learned counsel for the informant and Mr.Ram
Bilash Roy Raman, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.04.2025 in connection with Bhabhua P.S. Case No. 1039 of
2024, F.I.R. dated 26.12.2024 registered for the offence
punishable under Sections 126(2),115(2),109,3(5) of BNS and
later on Section 103 of BNS has been added.

3. Allegation against the petitioner is that he
alongwith other co-accused persons assaulting the father of the
informant with rod and hammer and the informant alleged that
the petitioner alongwith other co-accused persons thrown her
father down from the roof top as a result her father received
serious injuries and father of the informant died during course of



treatment.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. It appears from the FIR that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. In fact the date of occurrence as alleged in the FIR is 21.12.2024 but the present FIR has been instituted on 26.12.2024 after delay of 05 days without giving any explanation of delay and father of the informant died on 01.02.2025 and the police added Section 103 of B.N.S. on 24.02.2025 apart from that, one Title Suit No.22 of 2022 is going on between the parties and due to previous land dispute the petitioner has falsely been implicated in the present case. The petitioner is in custody since 14.04.2025.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and allegation against the petitioner is that he alongwith other co-accused persons have committed the present crime in question. Further submits that the petitioner carries one more case other



than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact and there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner, 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 C.J.M., Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 1039 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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