

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3218 of 2019

Arising Out of PS. Case No.-314 Year-2018 Thana- BODHGAYA District- Gaya

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Ramdahin Manjhi @ Kumbha Manjhi @ Kumbha @ Kumha, aged about 54
year, Male, son of Late Jagdish Manjhi, resident of Village Harli Kala, P.S.
Bodh Gaya, District Gaya ... Petitioner

Versus

The State Of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kumar Sinha, Adv.
For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
25.10.2018 in connection with Bodh Gaya P.S. Case No. 314 of
2018 for the offences alleged under Sections 272 and 273 of the
Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that the petitioner
manufactures illicit wine in his house, the police conducted a
raid and seized 5 liters of mahua wine from the house, but, the
petitioner had absconded.

It has been submitted by the learned counsel for the
petitioner that he is innocent and was already in custody in
connection with Bodh Gaya P.S. Case No. 529 of 2018 from



which he has been remanded in the present case on 25.10.2018. He, further, submits that nothing has been recovered from his possession. He was not at the place of seizure and has been falsely implicated in the aforesaid case. He, further, submits that charge sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him. It has been stated by the petitioner in paragraph 3 that he has already been granted the privilege of bail in the aforesaid case (Bodh Gaya P.S. Case No. 529 of 2018).

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bodh Gaya P.S. Case No. 314 of 2018 to the satisfaction of the learned Special Judge, Excise, Gaya, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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