

THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 14656 of 2020

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Chandra Manjhi @ Chandar Manjhi, aged about 45 years, male, son of Late Sukhu Manjhi, resident of village-Khaira, P.S. –Khizersarai, District-Gaya

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner : Mr. Vinod Kumar, Advocate

For the State : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 25.08.2020

Heard learned counsel for the petitioner and learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Khizersarai P.S. Case no. 81 of 2009 registered under sections 364, 147, 148, 149, 323, 341 and 448 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the F.I.R., 10-15 accused persons including the three named entered into the house of the informant and forcibly took him away. He was brutally assaulted



and subsequently killed.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the F.I.R. nor was he caught at the place of occurrence. No incriminating article has been recovered from his possession and he has not been put on T.I. Parade. The petitioner has no criminal antecedent and is in custody since 22.7.2019. It is lastly submitted that not having been named in the F.I.R., he was not aware about the pendency of the case and as such the delay.

The application for bail is opposed by learned A.P.P. for the State who submits that the name of the petitioner transpired in course of investigation immediately after the occurrence but the petitioner kept absconding almost 10 years before being taken into custody.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not named in the F.I.R., no incriminating article recovered from his possession, he has not been put on T.I. Parade, is in custody since 22.7.2019 as also grant of bail to the co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Khizersarai P.S. Case no.81 of 2009 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Gaya.

However, in view of the fact that the case is of the year 2009 it is directed that the petitioner shall remain personally present in Court on each and every date of the trial and in case of his absence on any date for reasons not to the satisfaction of the learned court below, the learned Court below may cancel his bail and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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