

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21287 of 2021

Arising Out of PS. Case No.-203 Year-2019 Thana- FATEHPUR District- Gaya

Sanjay Manjhi Son of Late Bijay Manjhi Resident of Village - Baskatwa, P.S.-
Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Fatehpur P.S. Case No. 203 of 2019 instituted for the offences
under Sections 25(1-A), 25(1-AA), 25(1-AAA), 26 and 35 of
the Arms Act, Sections 3 and 4 of the Explosives Substances Act
and Sections 14, 16, 18 and 20 of the U.A.P. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 15.10.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that on 3-4/08/2019 he got
information that members of M.C.C. Sanjay Manjhi (petitioner)
along with his associate have concealed arms and ammunitions



for committing unprecedented occurrence, accordingly on the said information the informant reached at the place of occurrence but Sanjay Manjhi on seeing the police fled away. It is further alleged that on search of the house of the petitioner rifle, three explosive bombs, detonators etc. were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as he is not a member of the M.C.C. Organisation, he is a person with clean antecedent and the arms were not recovered from the house of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that there is direct allegation in the F.I.R. with regard to the petitioner that he is an alleged member of M.C.C. and arms and ammunitions have been recovered from the house of this petitioner. Countering the submission of learned A.P.P., learned counsel for the petitioner submits that even during the course of investigation all the witnesses who have been examined are police witnesses and not a single independent witness has been examined as such it cannot be said that the petitioner is a maoist as the police did not get a single independent witness against the petitioner.



Considering the fact that the petitioner is in custody since 15.10.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and during the course of investigation no independent witness has been examined as is evident from the case diary as pointed out by the learned counsel for the petitioner and fairly accepted by the learned A.P.P. for the State that no independent witnesses have been examined during the course of investigation, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Gaya in connection with Fatehpur P.S. Case No. 203 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. with a condition that one of the bailors shall be the brother of the petitioner and the petitioner will continue marking his attendance in the concerned police station in between 20-25 of every month commencing from January, 2022 till the charges are framed. The concerned police station will report to the learned court below on 28th of every month commencing from January, 2022 that petitioner is marking his attendance in between the aforesaid dates and in the event if it is reported that the petitioner in any of the month in between the



aforesaid dates has not marked his attendance till framing of charge, the court below will instantantly cancel the bail bonds.

(Satyavrat Verma, J)

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