

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6188 of 2021

Arising Out of PS. Case No.-264 Year-2016 Thana- SIRDALA District- Nawada

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KAPIL MANJHI@ KAPIL BHUYIAN Son of Baijnath Bhuiyan Resident of
Village - Fulwariya, P.S. and Distt.- Koderma (Jharkhand)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-08-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sumiran Rai, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Sirdala P.S. Case No. 264 of 2016 for the offences
registered under Section 147, 148, 149, 341, 323, 379, 427, 436, 504,
506 and 387 of the Indian Penal Code, under Section 27 of the Arms
Act and under section 15,18, 19, 20 of the U.A.P. Act.

Learned counsel for the petitioner submits that 63 FIR
named accused persons including this petitioner were members of
Naxal group had assembled at Kharandh railway station to commit
arson, firing etc. and they committed the same.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted no specific overt act has been alleged against the petitioner and similarly situated co-accused have been granted bail. The petitioner is in custody since 29.5.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is named amongst 63 named accused who has allegedly set the four vehicle of the construction company on fire and they allegedly belong to Maowadi Organisation but the petitioner has got no criminal antecedent and no specific overt act has been alleged against him, similarly situated co-accused namely Jawahar Yadav, Karu Yadav, Tarkun Sharma, Karu Pandit, Baldeo Ravidas @ Sunil Ravidas @ Deena Ravidas, Mandal Yadav and some more have been granted bail by learned coordinate Benches of this Court, the petitioner is in custody in connection with this case since 29.5.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Nawada in connection with Sirdala P.S. Case No. 264 of 2016,

subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.