

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9871 of 2022**

Arising Out of PS. Case No.-269 Year-2018 Thana- KUDHNI District- Muzaffarpur

Manish Kumar Ray @ Manish Kumar Roy S/O Late Arvind Rai @ Arvind
Kumar Ray R/o village- Hathsarganj, P.S.- Hajipur Town, Distt.- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 21-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is the third attempt of the petitioner to obtain bail
in connection with Kudhani P.S. Case No. 269 of 2018
registered under Section 395 of the Indian Penal Code.
Petitioner is in custody since 01.06.2019.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 06.10.2021 passed in Cr. Misc. No.
27177/2021.

Learned counsel for the petitioner submits that this
petitioner is in custody since 01.06.2019, the trial has yet not
proceeded. Referring to paragraph '11' of the petition, it is
submitted that the co-accused who had been identified from the
CCTV footage namely, Sujit Kumar @ Thapchi, Rajkapoor



Kumar Sah, Chottu Rai @ Chhotu Paswan and Pankaj Kumar Pandit have been granted bail by different learned coordinate Benches of this court. So far as this petitioner is concerned, he has not been identified.

Learned counsel further submits that earlier the prayer for bail of the petitioner was rejected considering his criminal antecedents. This petitioner has got eleven (11) criminal antecedents and out of these eleven cases in four cases this petitioner has been acquitted whereas in other eight cases he is on bail.

It is, thus, submitted that considering the period already spent by the petitioner in connection with this case and the bail already granted to some of the co-accused, this Court may consider release of the petitioner on bail.

This Court has perused the report received from the court of learned 19th Additional District & Sessions Judge, Muzaffarpur. It appears that the case is still running at the stage of appearance because one of the co-accused Chandan Rai against whom process under Section 83 Cr.P.C. has been issued has not been arrested and produced before the court.

In it's previous order, this Court had directed the Superintendent of Police, Vaishali to execute the warrant of



arrest issued by the learned court below but it seems that he has failed to do so. This has to be taken as failure on the part of the prosecution which would compel this Court to direct release of the petitioner on bail.

Learned A.P.P. for the State is unable to controvert the submissions of the petitioner.

In the given facts and circumstances noted hereinabove, this Court directs release of the petitioner 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. - IV (West), Muzaffarpur in connection with Kudhani P.S. Case No. 269 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that petitioner shall attend the trial on each and every date fixed in the matter. Two consecutive



defaults in putting appearance in the trial court without satisfying the court below shall invite action towards cancellation of bail bond.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

