

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18355 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- JANDAHA District- Vaishali

Manjeet @ Lakhan Son of Mahesh Prasad Singh, Resident of Village -
Dudhaila Gachchi, P.S. - Sonpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 414, 399, 402 of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

According to prosecution case, the informant Ajay
Kumar S.I.-cum-SHO Jandaha police station recorded his self
statement alleging therein that on 09.08.2021 when the
informant alongwith other police officials proceeded for arrested
to wanted accused persons. During the raid on the basis of secret
information they reached near Chak Fateh Hanuman Temple
saw two-two person and one motorcycle, surrounding them



apprehended the alleged persons. The apprehended persons disclosed their names as Rakesh Kumar, Mantu Kumar, Priyansh Kumar and Sonu Kumar and disclosed the name of fled person as Manjit @ Lakhan. In the presence of two independent witnesses the search was made, from the possession of Mantu Kumar knife, Iron fighter, and Splender motorcycle was recovered, from the possession of Priyansh Kumar, one country made pistol, live cartridge, Splender motorcycle was recovered, from Sonu Kumar knife, Kantedar fighter and smart card of passion pro motorcycle. On inquiry about alleged weapon they did not produced any document and also did not gave any satisfactory answer. The accused persons disclosed that they have assembled for truck robbery. In the presence of independent witness the police prepared the seizure list and seized the alleged articles.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused. He further submits that in fact the petitioner was not arrested on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that it appears from the F.I.R. as well as seizure list that no



incriminating article has been recovered from the possession of the petitioner. The petitioner is in custody since 23.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jandaha P.S. Case No. 167 of 2021, corresponding to G.R. No. 185 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. 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.

(Rajesh Kumar Verma, J)

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