

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33215 of 2021**

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

MANIK CHAND @ MANIK CHAND BHUIYAN @ MALIKCHAND
BHUIYAN S/o Aitvari Bhuiyan R/o village- Ekrupaiwa, P.S.- Lutua, District-
Gaya, State- Bihar Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Nikhil,Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in Lutua P.S. Case No. 6 of
2019, registered for the offence under Sections
147,148,149,353,307,120(B),121,122,124(A) of the Indian
Penal Code, Sections 25(1-b)A, 26, 27, 28, 29 of the Arms Act,
Sections 3/4/5 of Explosive Substances Act and Sections 16,
18,20 of the U.A.P. Act.

As per the prosecution case, on a secret information
received by the informant, he proceeded to conduct a raid on 18-
05-2019 to prevent the Naxal activity and when the informant
alongwith police force reached near Ekrupaiya, Naxals
started indiscriminate firing on police force, for which, counter
firing was also done by the police, in which, some jawans
sustained injuries on their persons. It is further alleged that on



apprehension of damage, Naxals ran away from there and arms & ammunition in huge quantity were seized from the spot.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the name of the petitioner has transpired merely on the basis of hearing the name of the petitioner from other co-accused extremists. During investigation, nothing has come against the petitioner. He further submits that co-accused, namely, Brahmdev Yadav has been granted bail in Cr. Misc. No.23291 of 2020 vide order dated 04.11.2020, co-accused, namely, Ravi Kumar @ Ravi Yadav has been granted bail in Cr. Misc. No.30064 of 2020 vide order dated 11.01.2021, co-accused, namely, Nanki Devi @ Fulwa Devi @ Nanki Didi has been granted bail in Cr. Misc. No.38727 of 2020 vide order dated 13.07.2021 respectively by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 17.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 learned S.D.J.M., Sherghati, Gaya in connection with Lutua P.S. Case No. 6 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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