

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29187 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- MADHAURAH District- Saran

1. RAJ KISHORE MANJHI S/o Ram Kishun Manjhi
2. Dhannu Manjhi S/o Ram Kishun Manjhi
Both are Resident of Village- Shilahauri, P.S.- Marhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 272,273,34 of IPC and Sections 30(a)41(1) of Bihar Prohibition and Excise Act.

Recovery is of 180 liters of country made liquor.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been



implicated in the present case on the basis of the disclosure made by co-accused, namely, Guddu Kumar. In fact Guddu Kumar is owner of the Tempo in question and it appears from the FIR that nothing has been recovered from possession of the petitioners rather the recovery has been made from the Tempo in question and the petitioners have no concern at all with the alleged liquor or the co-accused person.

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

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Marhowrah P.S.Case No.93 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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