

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34497 of 2022

Arising Out of PS. Case No.-356 Year-2020 Thana- KHAIRA District- Saran

Supan Manjhi @ Sapan Manjhi S/o Late Jaleshwar Manjhi Resident of
Village- Jagdishpur, P.S.- Khaira, 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 : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-08-2022 Heard Mr. Vijay Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Ram Bilash Roy Raman, learned
A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Khaira P.S. Case No. 356 of 2020 for the offence punishable
under Sections 363 and 366/34 of the Indian Penal Code.

The accusation is of kidnapping of daughter of
informant by the accused persons named in the F.I.R., including
the petitioner, for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was directed to be released on bail



vide order dated 14.12.2021 passed in Cr. Misc. No. 28532 of 2021 by which the court below was directed to verify as to whether any joint petition has been filed on behalf of the petitioner and the victim girl Jyoti Kumari, daughter of the informant and if such joint petition has been filed or upon filing of such joint petition, the petitioner be released on bail. Learned counsel appearing on behalf of the petitioner submits that the said order was with respect to the co-accused Nandan Manjhi @ Nandan Kumar who is the son of the petitioner and in absence of any joint petition filed, the petitioner who is an old man should not suffer from alleged illegal act levelled against his son. Petitioner had not participated either in kidnapping of the daughter of the informant or the daughter of the informant has made any allegation against the petitioner in her statement recorded under Section 164 Cr.P.C. The petitioner has been made accused in the present case due to the fact that the love relationship was objected by the informant. Petitioner is in custody since 05.12.2020 having clean antecedent.

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

Considering the aforesaid facts and circumstances of the case and having carefully gone through the accusation made



in the F.I.R. against the petitioner who is the father of co-accused Nandan Manjhi @ Nandan Kumar and the statement of the victim recorded under Section 164 Cr.P.C. in which she has not made any allegation of assault, outraging her modesty, committing sexual assault on her body or kidnapping her, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran in connection with Khaira P.S. Case No. 356 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.



(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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