

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60847 of 2021

Arising Out of PS. Case No.-155 Year-2014 Thana- PARASBIGHA District- Jehanabad

Rambachchan Kahar @ Bachchan Kahar S/o- Sitaram Kahar R/o Village-
Sarauti, P.S.- Rampur Chayram, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61118 of 2021

Arising Out of PS. Case No.-155 Year-2014 Thana- PARASBIGHA District- Jehanabad

Bangali Manjhi @ Chandradeep Manjhi @ Baran Manjhi S/o- Krit Manjhi
R/o Village- Mauri Bigha (Kauri), P.S.- Khiri More, District- Patna,
Temporary Address- R/o Village- Jhikatiya, Aajad Nagar, Murarhi P.S.-
Kinjar, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60847 of 2021)

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 61118 of 2021)

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2022 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

APP for the State.



Petitioners seek bail in a case registered for the offences punishable under Sections 147, 149, 436 of the Indian Penal Code and Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

As per prosecution case, on 28.12.2014 at about 1:30 A.M. while the informant was sleeping in the hut near the Tower, four persons with 05 litres of petrol in plastic gallon came before him and took the key and set on fire the Tower, Generator and hut. After sometime, the miscreants came to him and pushed him out and ordered him to stay out and they fled away. The informant due to darkness could not identify them.

Learned counsel for the petitioners submit that the petitioners have been falsely implicated in the present case. In fact, the petitioners are not named in the F.I.R. but the name of the petitioners has come during investigation on the basis of confessional statement of co-accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioners and till date no test identification parade has been conducted by the prosecution. Similarly situated co-accused persons namely Anil Paswan and Baban Paswan have been granted bail by a Coordinate Bench of this Court vide order dated 28.08.2015 in Cr. Misc. No. 38307 of



2015 and another co-accused person namely Ramanuj Prasad @ Ramanuj Yadav @ Anuj Prasad have been granted bail by a Coordinate Bench of this Court vide order dated 13.10.2020 in Cr. Misc. No. 26702 of 2020 respectively. Police after investigation submitted chargesheet against the petitioners and the petitioner no. 1 is in custody since 06.01.2021 and petitioner no. 2 is in custody since 20.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner no. 1 carries five more cases other than the present one and petitioner no. 2 carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Parasbigha P.S. Case No. 155 of 2014, with the 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 witness, 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 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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