

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54539 of 2022**

Arising Out of PS. Case No.-84 Year-2022 Thana- NAWADA District- Nawada

Raju Mushar @ Raju Manjhi Son of Jugal Manjhi Resident of Village -
Mirjapur, P.S.- Nawada Town in the district of Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter within
two weeks.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Nawada Town P.S. Case No. 84 of 2022
registered for the offences punishable under Sections 395, 397,
427 of the Indian Penal Code and Section 25(1-b)a, 26, 35, 27 of
the Arms Act. He is in custody since 18.04.2022. He has got five
criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, on 29.01.2022 at about 08:30 P.M. when the
informant and his brother reached at the door of the house, all of a
sudden, 15-20 unknown persons lashed with pistol, knife and



bomb came there and by pushing the informant entered into the house. It is alleged that they opened fire and assaulted the informant, his brother and his staffs. It is further alleged that they looted away two laptops, one monitor, three mobile phones, four smart watches, one printer, ATM cards, Aadhar card, PAN card, Bank Cheque, One mixer machine, one golden locket, two brass pots.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 18.04.2022.

Learned counsel submits that the the petitioner is not named in the FIR rather his name has transpired in the confessional statement of co-accused. It is also submitted that there is no recovery from the possession of the petitioner.

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

Having regard to the submission that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Aman Kumar @ Ravan, there is no recovery from his possession and the petitioner has not been put on test identification parade, he has already been remained in custody since 18.04.2022, investigation against him is complete and his presence may be secured in course of trial, in the cases



stated in paragraph '3' the petitioner is on bail, there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 84 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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