

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16767 of 2023**

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

MANOJ SAPERA S/o Nagina Sapera @ Teju Sapera Resident of village
Samway @ Sambe, P.S. Warisliganj, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

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

2 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.11.2022 in connection with Jehanabad (Karauna O.P.) P.S.
Case No. 745 of 2020, F.I.R. dated 23.12.2020 for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, the cousin elder
brother of the informant is said to have been shot dead by the
unknown persons.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. In fact, the petitioner has not been named in the F.I.R.
but on the basis of confessional statement of the co-accused,



namely, Dayanand Paswan, Santosh Nutt and Dhananjay Natt, name of this petitioner has surfaced in this case. Neither the petitioner has been put on T.I.P. till date by the prosecution nor anything incriminating has been recovered from his exclusive possession. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and on the basis of material available in the case dairy, he submits that during the investigation, it has come that the petitioner has actively participated in the alleged occurrence. He further refers to paragraphs No. 80, 81, 83 and 143 of the case diary in which according to her, there is sufficient material against the petitioner. She also submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 745 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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