

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22258 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- BARIYARPUR District- Munger

CHANDRASHEKHAR MANJHI Son of Late Tilo Majhi Resident of Village
- Dharampur, P.s.- Dharhara, Distt.- Munger.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA Govt. of India.
2. THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bariyarpur P.S. Case No. 92 of 2021 registered for the offences
punishable under Sections 121A, 120B of the Indian Penal
Code, 1860 read with Sections 25(1-b)a, 26(i) and 35 of the
Arms Act, 1959 and Section 18B, 19, 20 of the Unlawful
Activities (Prevention) Act, 1967.

As per prosecution case, the police got secret
information that in the house of co-accused Nandan Mandal
some miscreants have gathered and they are making plan to



commit crime. Thereafter, police reached there and the apprehended co-accused Nandan Mandal told that petitioner and others are members of extremist organization.

Learned counsel for the petitioner submits that petitioner is in custody since 18.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is quite innocent and has committed no offence as alleged against him in FIR. He submits that neither name of village nor present address of the petitioner has been mentioned in the FIR and only through the name the present petitioner has been surfaced in the present case upon the disclosure of co-accused Nandan Mandal. Except disclosure, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. There is violation of Section 100(4) (5) of Cr.P.C. Co-accused Nandan Mandal against whom there is recovery, has already been granted bail by Coordinate Bench of this Court vide Cr. Misc. No. 12950 of 2022 and the case of present petitioner stands on better footing. He further submits that on similar allegation co-accused Jamil Kora has already been granted bail by co-ordinate bench of this Court vide Cr.



Misc. No. 13732 of 2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused Nandan Mandal and Jamil Kora have already been granted bail by co-ordinate bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – II, Munger in connection with F.I.R. No. 92/2021 registered in Bariyarpur Police Station of District-Munger having G.R. No. 1811/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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