

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29164 of 2023**

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

SIKANDAR MANJHI @ SIKANDER MANJHI SON OF RAM KEWAL  
MANJHI R/O VILLAGE- KOREYA, P.S.- VIJAIPUR, DISTRICT-  
GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

3      24-07-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T.  
No. 415 of 2022 arising out of Vijaypur (Bijaipur) P.S. Case  
No. 265 of 2021 registered for the offence under Sections  
147, 148, 149, 341, 323, 324, 326, 307 and 302 of the Indian  
Penal Code.

The petitioner along with others alleged to have  
caught hold the deceased and one of his associates pierced  
knife in his chest due to which he died.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case. He



further submits that there is land dispute between the parties and on account of the same, this petitioner has been made accused in this case with false and fabricated accusation. He further submits that on bare perusal of the F.I.R., it appears that the petitioner allegedly caught hold the nephew of the informant and other co-accused person, Prem Kharwar inflicted knife blow to him. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to him. Moreover, co-accused, Angad Vishwakarma and Prem Kharwar having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No. 178522 of 2023 along with Cr. Misc. No. 35922 of 2022. 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 05.05.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the trial is going on and almost all the witnesses have been



examined.

A report with regard to present stage of the trial has been called for by this Court vide order dated 07.06.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that the altogether nine witnesses have been examined out of 12 charge-sheet witnesses and the trial is likely to be concluded within three months.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 05.05.2022 i.e more than one year.

Considering the facts and circumstances of the case and the present stage of trial, let the, above named, petitioner 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 learned Additional District and Sessions Judge-X, Gopalganj in connection with S.T. No. 415 of 2022 arising out of Vijaypur (Bijaipur) P.S. Case No. 265 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)**

brajesh/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

