

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30539 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- KOTWA District- East Champaran

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NAGINA MANJHI SON OF MOHAN MANJHI RESIDENT OF VILLAGE-
MACCHARGAWA, PS- KOTWA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Kotwa P.S. Case No. 501 of 2022 registered under Sections 302/34 of the Indian Penal Code lodged on 26.12.2022 by the informant, Satish Kumar Wats.

As per the prosecution story, the allegation is that his brother was IVth grade employee of Pipra Kothi Anchal and on the fateful day, the accused persons named came and snatched Rs. 60,000/- and in the process, committed murder. Accordingly, the FIR.

Learned counsel for the petitioner submits that contrary to the prosecution story, actually no one has seen the occurrence and nothing has been recovered from the possession



of the petitioner but he has remained in custody since 26.12.2022 (as stated in paragraph-9 of the petition) despite the fact that he do not have criminal antecedent.

Earlier a Bench of this Court vide order dated 13.06.2023 had sought case diary, the same has been received.

Learned APP for the State has gone through it and from the statement made by the witnesses, it is clear that there is no eye witness to the said occurrence.

Considering the aforesaid facts that there is no eye witness to the occurrence, the petitioner is in custody since 26.12.2022 and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 501 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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