

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35212 of 2022

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

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Anil Manjhi S/o Pandit Manjhi R/o village- Linepar, Mirjapur, Nawada, P.S.-
Nawada Town, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-01-2023 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case 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.

The prosecution story, in brief, is that the informant

and his brother reached their house and as they were entering

their house, 15 to 20 miscreants came there and slapped the

informant and his brother. The further allegation is that the

miscreants took away the utensils from the informant's house.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and except the domestic article, no other material has been recovered from the possession or house the petitioner. He further submits that the name of the petitioner has been transpired only on the basis of confessional statement of co-accused and till date no test identification parade was conducted by the prosecution. He further submits that similarly situated co-accused person namely Raju Mushar @ Raju Manjhi has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54539 of 2022 and another co-accused persons namely Dhiraj Kumar @ Dhiraj Raj and Vikram Kumar have been granted bail by this Court vide order dated 20.01.2023 passed in Cr. Misc. No. 37367 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Nawada (Town) P.S. Case No. 84 of 2022, 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 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 witness, 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 antecedents, 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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