

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40540 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- BHAGWAN BAZAR District- Saran

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1. Munna Kumar Manjhi @ Munna Manjhi S/O Jaypat Manjhi R/O Village-Masoomganj, PS. Bhagwan Bazar, Dist. Saran
 2. Ras Bihari Manjhi @ Rashbihari S/O Jaypat Manjhi R/O Village-Masoomganj, PS. Bhagwan Bazar, Dist. Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Bhagwan Bazar P.S. Case No. 29 of 2023 instituted under under Sections 147, 148, 149, 332, 353, 307, 323, 341, 414, 504 and 506 of the Indian Penal Code and 27 of the Arms Act as well as section 30(a) of Bihar Prohibition & Excise Act lodged on 28.1.2023 by the informant, Sudhir Kumar.

As per the prosecution story, on information that the accused persons are carrying liquor in the stolen motorcycle for sell, they were intercepted and further one Anil Manjhi apprehended and 70 liters of country made liquor from the two



motorcycles were recovered. Further, the allegation against Kariya Rai of opening fire on the police team as also pelting of stones which hit Akhilesh Kumar and Chandra Bhushan Pal who were injured.

It is the case of the learned counsel for the petitioners that they were neither present on the spot nor anything recovered from their possession nor any of the motorcycle belong to them. The last submission is that they do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the fact that the alleged recovery is from the two stolen motorcycles and two accused persons were arrested from the spot, the petitioners are not the owner of the motorcycles and do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bhagwan Bazar P.S. Case No. 29 of 2023 to the satisfaction of learned IInd Additional Sessions Judge-cum-IInd Exclusive Special Judge,



Excise, Chapra, Saran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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 the bail bonds;

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



With the aforesaid observation, the bail application is
allowed.

(Rajiv Roy, J)

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