

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51142 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

BIRMANU MANJHI Son of Arjun Manjhi Resident of Village / Mohallah-
Ram Nagar, Nirmohi Tola, P.S.-Chapra (Muffassil), District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.04.2023 in connection with Chapra Muffasil P.S. Case No.
277 of 2023, F.I.R. dated 16.04.2023 registered for the offence
punishable under Section 393 of IPC.

3. The prosecution case, in short, is that the
informant alleged that on 16.04.2023 the petitioner alongwith
co-accused came at his jewellery shop and said to sell a ring. He
refused as he had no money. Then both the accused went away
and after five minutes they came having knives in their hands
and threatened to give whatever he had in his shop. On protest,
they started beating him with belt. On alarm his house owner
came and tried to save whom the accused persons also assaulted



with belts.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner and co-accused person have gone to sell the ornaments in question to the informant but due to rate some altercation took place and the present occurrence had taken place and the petitioner was arrested at the spot and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.04.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case



No. 277 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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)

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