

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54205 of 2023

Arising Out of PS. Case No.-745 Year-2020 Thana- JAHANABAD District- Jehanabad

MANOJ SAPERA S/O NAGINA SAPERA @ TEJU SAPERA R/O
VILLAGE- SAMWAY @ SAMBE, P.S- WARISALIGANJ, DISTT.-
NAWADA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 15-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 11.11.2022 seeks bail, in connection with Jehanabad (Karauna O.P.) P.S. Case No. 745/2020, dated 23.12.2020, for the offences punishable under Sections 302/34 of the IPC & Section 27 of the Arms Act.
3. According to prosecution case, the cousin elder brother of the informant is said to have been shot dead by the unknown persons.
4. Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was allowed vide order dated 12.05.2023 passed in Cr. Misc. No. 16767/2023 but the bail bond of the petitioner was not accepted on the ground that



the petitioner has carried two cases and in bail petition, he has stated that the petitioner has one antecedent. Thereafter the petitioner has moved this Hon'ble Court for modification of the order dated 19.07.2023 passed in Cr. Misc. No. 45806/2023. Thereafter the petitioner has filed the present application. Learned counsell for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused persons, namely, Dayanand Paswan, Santosh Natt and Dhananjay Natt. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that co-accused, namely, Dhananjay Natt has been granted bail by this Court vide order dated 06.04.2022 passed in Cr. Misc. No.55877/2021 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation



that the petitioner was actively participated in the present crime in question. He further refers paragraph 80, 81, 83 & 143 of the case diary, which suggest that the petitioner was actively participated in the present crime in question. Apart from that the petitioner has carried two criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 745/2020, subject to 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 witnesses, 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 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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