

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55707 of 2022

Arising Out of PS. Case No.-451 Year-2021 Thana- GAYA MUFASIL District- Gaya

PARHALAD MANJHI @ PAGLA MANJHI Son of Late Ajuba Manjhi
Resident of Mohalla- Pahartalli, Bhuin Tola, P.S.- Mufassil, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil (Gaya) P.S. Case No. 451 of 2021 registered for the offences punishable under Sections 393, 302 of the IPC and section 27 of the Arms Act.

As per prosecution case, two unknown miscreants came and showing fear of pistol demand mobile and money from the informant and driver of gas tanker. When the informant protested the same, driver of motorcycle fired upon the informant due to which informant sustained injury and the pillion driver fired two-three rounds upon the driver of gas tanker namely Sunil Kumar due to which he died.

Learned counsel for the petitioner submits that



petitioner is in custody since 05.04.2022. Petitioner bears four criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. During course of investigation the petitioner is arrested in Mufassil P.S. Case No. 441 of 2021 and thereafter, police recorded his confessional statement and made accused in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession or personal possession of the petitioner. No T.I.P. has been made till today. Petitioner is innocent and has committed no offence as alleged in the F.I.R. No looted article has been recovered from the conscious possession of the the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available



on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Gaya in connection with Muffasil P.S. Case No. 451 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

