

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68660 of 2023

Arising Out of PS. Case No.-260 Year-2020 Thana- BODHGAYA District- Gaya

Kamlesh Manjhi @ Vikash Manjhi, S/o Late Karu Manjhi @ Umesh Manjhi
R/O Village- Pathalkatti, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bodh Gaya P.S. Case No. 260 of 2020, lodged on 27.07.2020
under Section 395 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 6 unknown accused persons against whom the
allegation is that those six persons sitting on two motorcycle
chased and intercepted the informant and his manager who were
going on a motorcycle and then those six persons looted Rs.
1,39,000/- along with mobile phone and a motorcycle as well.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR, but arrested in this case
during the investigation by virtue of alleged confessional



statement of the co-accused. He also submits that nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. He further submits that the other co-accused person has been granted bail by the co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 54640 of 2021.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 29.05.2023 and there are 4 criminal cases against the petitioner in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean. He also submits that the co-ordinate Bench of this Court has granted bail to the other accused on the grounds that the petitioner was in jail since 18.01.2020 and occurrence took place on 27.07.2020, therefore, the bail application to the co-accused shall not help the petitioner in any manner. He further submits that another co-accused has been granted bail by another co-ordinate Bench of this Hon'ble Court vide order dated 10.01.2022 passed in Cr. Misc. No. 43023 of 2021. In this case also it has been acknowledged that the petitioner of this case has been in custody since 29.07.2020, but criminal case was instituted against him in the year 2008.



7. In the present facts and circumstances and going through the criminal antecedent of the petitioner, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Bodh Gaya P.S. Case No. 260 of 2020, pending before the learned Chief Judicial Magistrate, Gaya is hereby rejected.

9. However, the petitioner shall move for regular bail after framing of charge when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

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