

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1505 of 2023**

Arising Out of PS. Case No.-338 Year-2020 Thana- KHIJARSARAI District- Gaya

Sujit Kumar @ Sujit Manjhi Son Of Nanhak Manjhi @ Nanhu Manjhi R/O
Village- Hazichak, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 16.06.2022 in connection with Khizersarai P.S. Case No. 338 of 2020, F.I.R. dated 02.11.2020 registered for the offence punishable under Sections 341, 342, 323, 307, 337, 338, 448, 504, 506, 34 of IPC and later on Section 302 of the IPC.

A per allegation in the FIR, several accused persons including the petitioner entered into the house of the informant and started to assault by means of lathi, brick and iron rod as a result of which one person, namely, Budhan Choudhary died.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it



appears that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt-act attributed against the petitioner and the similarly situated co-accused persons, Nanhu Manjhi and others have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.01.2022 passed in Cr. Misc. No. 30510 of 2021 and co-accused, namely, Ajay Manjhi @ Ajay Kumar Manjhi has been granted bail by this Court vide order dated 05.04.2022 passed in Cr. Misc. No.41068 of 2021 and several other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, 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 A.C.J.M.-IV, Gaya in connection with Khizersarai P.S. Case No. 338 of 2020, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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