

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1393 of 2023

Arising Out of PS. Case No.-296 Year-2018 Thana- ATRI District- Gaya

Sanjeet Manjhi Son of Ramjanam Manjhi R/O Village - Katalpura, Tola
Dehara Ghat @ Dighra Ghat, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shams Alam, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
08.07.2022 in connection with Atri P.S. Case No. 296 of 2018,
F.I.R. dated 30.08.2018 for the offences punishable under
Sections 147, 149, 341, 302, 342, 307 and 323 of the Indian
Penal Code.

According to prosecution case, the petitioner along
with other accused persons have formed an unlawful assembly
and in prosecution of the common object of the same, they have
committed murder of Shiv Charan Manjhi.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is specific allegation against the co-accused persons, namely, Shivnarayan Manjhi and Baliram Manjhi. He further submits that it also appears from the F.I.R. that the petitioner is only the member of the mob and there is no acquisition of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sunita Devi and Harichand Manjhi have been granted bail by a Co-ordinate Bench of this Court vide order dated 10.05.20219 passed in Cr. Misc. No. 13203 of 2019. The petitioner is in custody since 08.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Additional Chief Judicial Magistrate XIII, Gaya in connection with Atri P.S. Case No. 296 of 2018, 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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