

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74418 of 2022

Arising Out of PS. Case No.-119 Year-2019 Thana- WAJIRGANJ District- Gaya

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MUKESH MANJHI S/o Ram Prasad Manjhi R/o Village- Chowar Tola,
Sonbigha, P.S.- Wazirganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 22.07.2022 in connection with Wazirganj P.S. Case No. 119 of 2019 under Section 3/4 of Indian Explosive Act and Section 18/20/23 of Unlawful Activities (Prevention) Act.

The prosecution story, in brief, is that the informant namely Rakesh Kumar Singh (ASI P.S. Wazirganj) alleged that on 07-04-2019, he along with other police officials on the directions of higher officials proceeded at Vill-Biksha whereby they found one person in suspicious condition carrying a black bag. On seeing the Police party, he tried to escape but was caught and on interrogation disclosed his name as Rajmani Kumar, Furthermore, in the presence of officials witnesses, a search was conducted of his person whereby, explosive



substance, Naxal Poster, electronic motor, Battery, Electric wire and Aadhar card were seized. The accused failed to produce any documents. Accordingly, the seizure list was prepared. The accused further disclosed that on the direction of commander Praduman Sharma @ Kundan, he in connivance with 1. Surendra Manjhi 2. Teni Singh, 3. MukeshManjhi and 4. Guddu Sharma were planning to boycott the 2019 Lokshabha election when he was arrested.

It has been contended by the learned counsel for the petitioner that he was named by Rajmani Kumar but is his categorical submission that the petitioner had no role to play in such activities which reflects from Para-3 that he do not have criminal antecedent. Further, he is in custody since 22.07.2022 (in para-11 of the petition).

The last submission is that similarly situated person Guddu Sharma whose name was also confessed by Rajmani Kumar, has since been released on bail by coordinate bench of this Court in Cr. Misc. No. 1236 of 2020 vide order dated 17.01.2020.

Let the same be taken on record.

Learned APP opposes the prayer submitting that Rajmani Kumar was arrested with explosive substances and he



has named this petitioner.

Considering the fact that the petitioner do not have criminal antecedent, he is in custody since 22.01.2022, was named in the confessional statement of Rajmani Kumar, nothing incriminating has been recovered from his possession, similarly situated person/accused has since been released on bail as stated above, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Ist, Gaya, in connection with Wazirganj P.S. Case No. 119 of 2019 with conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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