

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71 of 2023

Arising Out of PS. Case No.-127 Year-2009 Thana- ATRI District- Gaya

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Ram Janam Manjhi @ Bannu Manjhi Son Of Mahavir Manjhi @ Bichali
Manjhi R/O Village- Yogiya, P.S.- Mohanpur, District- Gaya, At Present R/O
Village- Bhagalpur, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2023 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
12.02.2016 in connection with Atri P.S. Case No. 127 of 2009,
F.I.R. dated 23.12.2009 for the offences punishable under
Sections 302/34 of the Indian Penal Code, Section 27 of the
Arms Act as well as Section 17 of CLA Act.

Earlier the bail application of the petitioner was
rejected vide order dated 13.07.2018 passed in Cr. Misc. No.
3518 of 2018 with a direction to the learned court below to
expedite the trial and preferably conclude the same within a



period of 1½ years and if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail. Thereafter, the petitioner has filed this present petition.

Vide order dated 18.04.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 06.05.2023 reveals that the charge has been framed against the petitioner on 12.04.2017 under Section 302 of the Indian Penal Code, Section 17 of CLA Act and Section 27 of Arms Act and altogether in the present case there are 15 prosecution witnesses as per charge sheet but not a single prosecution witness has been examined by the prosecution till date.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 12.02.2016.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 6 criminal antecedents other than the present one.

In view of the report of the learned Trial Court that the trial is not likely to be concluded in the near future and the



petitioner is in custody since more than 7 years, 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 Sessions Judge X, Gaya in connection with Atri P.S. Case No. 127 of 2009, 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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