

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18076 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- SHAMBHUGANJ District- Banka

Dheeraj Kumar Manjhi Son Of Deonath Manjhi Resident Of Village -
Pangura, P.S. - Bundu Pangura, District - Baradih (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner and Mr. Tarkeshwar Nath Thakur, learned APP for
the State.

2. The petitioner is apprehending his arrest
connection with Shambhuganj P.S. Case No. 261 of 2023, F.I.R.
dated 22.09.2023 registered for the offences punishable under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
b)a, 26, 35 of the Arms Act.

3. Allegation against the petitioner is that he along
with others gathered with arms at the residence of Abhishek
Kumar @ Pandit and preparing to commit the offence of
dacoity.

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



implicated in the present case. He further submits that on the basis of confessional statement of co-accused Abhishek Kumar Singh @ Pandit the name of the petitioner has been transpired in the present case and no case is made out under the Arms Act because recovery has been made from the other co-accused person.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement of co-accused, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 261 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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