

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62647 of 2024

Arising Out of PS. Case No.-128 Year-2017 Thana- GORAUL District- Vaishali

Manjay Kumar @ Manjay Kumar Rai @ Bantha, aged about 34 years, Male,
Son of Brij Nandan Rai, Resident of village - Chak Mehshi, P.S.- Manihari,
District – Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Goraul
P.S. Case No. 128 of 2017 dated 02.06.2017 registered for the
offence punishable under Section 395 of the I.P.C.

3. As per the prosecution case, the informant is the
owner-cum-driver of the Truck being Registration No. BR-
01GE-9450. It is further alleged that on 28.05.2017 at about
6.00 P.M., he loaded Fridge, L.E.D. T.V., A.C., Microwave
Oven of Samsung Company on his Truck from Shyam Lohiya
Godown situated at Didarganj, Patna, and proceeded for Hathi
Chowk, Muzaffarpur. On the way, he took petrol in his truck. As
soon as, he reached near the Goraul Over Bridge at 12.00 P.M.



in the night, a black Scorpio vehicle overtook his truck and stopped the Scorpio in front of his Truck and 5-6 miscreants surrounded the truck and one miscreant pointed pistol on his temple and got him down from the driver seat of the Truck and got him seated on the Scorpio vehicle. One miscreant was driving the said Truck and took away towards the bush. They got him administered intoxicated substance and assaulted with fists on his right eye and he became unconscious and miscreants threw him. The miscreants fled away with his loaded Truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Sanjay Kumar which has got no evidentiary value in the eye of law. It is further submitted that the said co-accused Sanjay Kumar has already been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 47122 of 2017 under order dated 09.01.2017. Except confessional statement of the co-accused Sanjay Kumar, there is no substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has not been put on T.I. Parade. The petitioner has been remained in the present case



from other case. Nothing has been recovered from the possession of the petitioner. It is submitted that the other co-accused person, namely, Md. Alamgir Khan @ Alamgir Khan has already been granted bail by a Bench of this Court vide Cr. Misc. 41451 of 2024 under order dated 19.06.2024, annexed as Annexure-P/2 to the present bail application. The petitioner has seven criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hajipur, Vaishali in connection with Goraul P.S. Case No. 128 of 2017 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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