

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74623 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- GAYA RAIL P.S. District- Gaya

BANTY @ WRITER @ RIDER S/O BUTTA MANJHI @ MANISH
MANJHI R/O VILLAGE- ANDAR BAIRAGI, BHUITOLI, P.S.- DELHA,
DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
Mr. Alok Kumar Alok
For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Gaya
Rail P.S. Case No. 212 of 2023 registered for the offences punishable
under Sections 394 and 411 of the IPC.

3. As per prosecution case, co-accused Shiva Kumar
was apprehended on the spot alongwith other and two other co-
accused managed to flee away. It is further alleged that informant
was assaulted by means of lathi and danda by the said co-accused
and they also looted away the bag of the informant containing
documents and mobile phone.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been surfaced in
the present case upon the confessional statement of co-accused Shiva



Kumar and he has falsely been implicated in the case as there was alleged recovery of informant's mobile from his possession. He further submits that petitioner is in custody since 22.07.2023 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. No TIP has been conducted uptill now. He further submits that co-accused, Shiva Kumar, has already been granted bail vide Cr. Misc. No. 82904 of 2023 by this Court and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Special Railway Judicial Magistrate, Gaya in connection with Gaya Rail P.S. Case No. 212 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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