

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76993 of 2024

Arising Out of PS. Case No.-435 Year-2024 Thana- RAMPUR District- Gaya

Manoj Kumar S/O Late Badhan Manjhi @ Late Badan Manjhi Resident of
village- Kushdihra PS- Paraiya District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the State : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Rampur P.S. Case No. 435 of 2024 for the offences punishable under Sections 317(5), 318(4), 338, 336(3) and 3(5) of the Bharatiya Nagrik Suraksha Sanhita and section 37 of the Bihar Prohibition and Excise Act, lodged on 01.09.2024 by the informant, Jitendra Prasad.

3. As per the prosecution story, the informant alleged that while patrolling, a motorcycle was intercepted and upon verification through the machine, it was found to be stolen. The petitioner was also an inebriated state. Accordingly, he was taken into custody, which followed the F.I.R.

4. Learned counsel for the petitioner submits that it was provided by his brother, who is also an accused, he was not



knowing about it, got implicated. Further, he is student and is in custody since 02.09.2024 (paragraph no.12 of the petition) and the last submission is that he do not have criminal antecedent.

5. Learned APP for the State opposes the prayer submitting that the motorcycle was stolen.

6. Taking into account the aforesaid submissions as also the fact that he is a young boy, student, is in custody since 02.09.2024, having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. However, if it is found that he has criminal antecedent, the order shall become infructuous.

8. 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 Exclusive Special Excise Court No.-1, Gaya, in connection with Rampur P.S. Case No. 435 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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