

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3179 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- MANJHAGARH District- Gopalganj

Akash Kumar S/o Surendra Ram R/o Sareya Ward No. 3, Sadullapur, P.S.-
Gopalganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 8904 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- MANJHAGARH District- Gopalganj

Akshay Kumar @ Amit Kumar Son of Shambhu Nath Ram Resident of
village- Sadhu chowk, Sareya, Ward No 02, PS- Gopalganj (Town), District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 3179 of 2025)
For the Petitioner/s : Mr. Anuranjan Patel, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP
(In CRIMINAL MISCELLANEOUS No. 8904 of 2025)
For the Petitioner/s : Mr. Dharmveer, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Since both the applications arise out of from

Manjhgarh P.S. Case No. 223 of 2024, as such, they have been

taken up together and are being disposed of by this common

order.

02. Heard learned counsel for the petitioners and

learned APP for the State.



03. In the present case, the petitioners seek bail in connection with Manjhagarh P.S. Case No. 223 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 262, 121(2), 121(2), 132, 109(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

04. As per prosecution case, finding three persons in suspicious condition, informant informed his superior and on his instruction he went on to apprehend them. Two of them, the petitioners herein were apprehended along with motorcycle and third one escaped from the place. The apprehended accused disclosed the fact that illicit liquor was concealed in the motorcycle and they also disclosed the name of the third person who escaped as Vinod Mahto. Thereafter, when the police party was about to reach the spot, apprehended two persons called out the name of third co-accused Vinod Mahto, who was hiding in bushes, came out and taking out a knife from one of the earlier apprehended persons assaulted the informant Chaukidar and one another person causing injuries to them. From the motorcycle recover of illicit liquor was made. Thereafter all the three miscreants fled away from the spot leaving behind the motorcycle loaded with illicit liquor.

05. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. For the same occurrence, two FIRs have been lodged. Manjhagarh P.S. Case No. 222 of 2024 has been lodged under the provisions of Bihar Prohibition and Excise Act and for the same occurrence another FIR has been lodged in which the petitioners are now seeking bail. It has further been submitted on behalf of the petitioners that both the occurrence took place on the same time but the FIR of Manjhagarh P.S. Case No. 222 of 2024 and of Manjhagarh P.S. Case No. 223 of 2024 has been lodged at different time. The time gap in lodging the second FIR shows it is a case of completely false implication. Learned counsel further submits that no injury report has been brought on record though allegation is that the co-accused persons and one of the petitioners gave knife blow to the informant and his associate. Nothing incriminating has been recovered from person or from the possession of the petitioners who were not apprehended from the spot. The petitioners are in custody since 06.08.2024 and charge-sheet has been submitted. Both the petitioners have one criminal antecedent i.e. Manjhagarh P.S. Case No. 222 of 2024.

06. Learned APP for the State opposes the prayer for bail.



07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation without any injury report and period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ IX, Gopalganj in connection with Manjhagarh P.S. Case No. 223 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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