

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42030 of 2025

Arising Out of PS. Case No.-382 Year-2018 Thana- KHAIRA District- Jamui

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Sapan Manjhi @ Talo Hembram @ Sapan Santhal@Manjhi@Sapan S/o
Manjhla Hembram @ Manjhlasoren Resident of Village- Chilkakhar, P.S.-
Charakapathar, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph-3 of the bail petition in

course of the day.

2. Heard Mr.Amrendra Kumar, learned counsel for
the petitioner and Mr.Rajendra Singh, learned A.P.P. for the
State.

3. The petitioner seeks bail, who is in custody since
22.10.2021, in connection with Khaira P.S.Case No.382 of
2018, (S.T.No.677/2022) F.I.R. dated 27.09.2018 registered for
the offence punishable under Sections 147, 121(A), 122,
124(a),120(b)/34 of IPC and Sections 3,5,6 of Explosive
Substance Act and Sections 16,17,18,19,20,21,22 of U.A.P. Act.

4. According to prosecution case, co-accused person,



namely, Darogi Yadav @ Bahera being the leader of the organization which includes naxali members were preparing for war against the administrative power and several explosive substance was also found by the police from the mountain caves.

5. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that although the petitioner is named in the FIR but nothing has been recovered from conscious possession of the petitioner rather the recovery has been made on the basis of the confessional statement of co-accused person, namely, Ram Singh from different places and petitioner has no role at all in the present occurrence and similarly situated co-accused persons, namely, Naresh Yadav and Darogi Yadav @ Bahera have been granted bail by this Court vide orders dated 22.04.2022 and 28.02.2025 passed in Cr. Misc. Nos.66236 of 2021 and 85353 of 2024 respectively and the petitioner is in custody since 22.10.2021 and the trial is not in progress and earlier in Cr.Misc. No.85353 of 2024, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court which was mentioned in



Cr.Misc. No.85353 of 2024 which suggests that the charge has been framed against the petitioner and other co-accused persons on 29.03.2023 but the prosecution had not adduced any evidence as yet in the present case. Learned counsel for the petitioner submits that the petitioner is in custody since more than three years and the trial is not in progress and the similarly situated co-accused persons have been granted bail by this Court.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

7. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV, Jamui in connection with Khaira P.S.Case No.382 of 2018, (S.T.No.677/2022), with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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