

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62425 of 2024

Arising Out of PS. Case No.-382 Year-2024 Thana- PHULWARISHARIF District- Patna

Shambhu Manjhi @ Sambhu Manjhi Son of Sri Lakshmi Manjhi R/o Kurkuri,
P.S.- Phulwari Shariff, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the State : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2025 Heard Mrs. Vaishnavi Singh, learned counsel for
the petitioner and Mr. Syed Mojibur Rahman, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
20.03.2024, in connection with Phulwarishariff P.S. Case No.
382 of 2024, FIR dated 10.03.2024 registered for the offence
under Section 302 of the Indian Penal Code and Section 27 of
the Arms Act later on Section 120(B)/34 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act were
added.

3. As per the prosecution case, the informant
suspects that her husband might have been killed by
unknown due to land dispute or under allurement of money.

4. Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the name of the petitioner has been transpired in this case on the basis of the confessional statement of the co-accused person, namely, Arvind Kumar Mishra @ Baba and thereafter the confessional statement of the petitioner was also recorded on the basis of which the arms have been recovered from the field of the another person. He further submits that co-accused persons, namely, Munna Prakash and Arvind Kumar Mishra @ Baba has confessed that they have fired upon the victim and they have given the arms to the petitioner. He further submits that co-accused person, namely, Munna Prakash has been granted bail by this Court vide order dated 25.09.2024 passed in Cr. Misc. No. 56692 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.03.2024.

5. Learned A.P.P. for the State, vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts that the petitioner has clean antecedent and his name has been transpired on the basis of the disclosure made by the co-accused person which suggests that the petitioner was not involved in the present crime in question and he has only received the arms from the co-accused person, let the, above named, petitioner 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 Addl. Chief Judicial Magistrate XIV, Patna in connection with Phulwarishariff P.S. Case No. 382 of 2024 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 canceled 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.

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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