

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81493 of 2024

Arising Out of PS. Case No.-74 Year-2010 Thana- AMNAUR District- Saran

Prem Manjhi S/O Late Ramdeo Manjhi Resident of village - Sultanpur Police station - Derni, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Amnor P.S. Case No. 74 of 2010 dated 29.08.2010, instituted for the offence punishable under Sections 147, 148, 149, 427, 436, 447, 379, 386 of the Indian Penal Code and Section 17 of C.L.A. Act.

3. The prosecution case, in short, is that on 29.08.2010 at around 02:00 am about 30 to 40 armed persons attacked the camp (Sonaho Plant BSRDC constructing SH-73) and the accused persons tied hands of all the employees of the concerned corporation who were engaged in construction of State Road and took away mobile phone and Rs. 11,160/-. It is further stated that accused persons were armed with illegal weapons and claimed themselves to be Maoist. The accused



persons while claiming themselves to be Maoist ordered the informant and other employees to close the work and thereafter set on fire five parked vehicles. The accused persons thereafter, reiterated their demand of 2% levy amount in respect of on going construction work.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the F.I.R. It is further stated that no incriminating article was recovered from the conscious possession of the petitioner. Learned counsel further submitted that even after expiry of 14 years, the police could not collect any positive material against the petitioner keeping the investigation pending against him. Lastly, it has been submitted that the petitioner is in custody since 01.07.2024, he has five criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. vehemently opposed the prayer for bail of the petitioner and submitted that the charges could not be framed against him due to his non-appearance.

6. It is apparent from the record that the F.I.R. has been lodged in the year 2010 but the petitioner has been arrested in the year 2024 i.e. after expiry of about 14 years.



7. Having considered the facts and circumstances of the case and submissions made by learned counsel for the parties, I am not inclined to grant bail to the petitioner.

8. Accordingly, prayer of the petitioner for grant of bail is rejected.

9. However, the petitioner is at liberty to renew his prayer for bail after framing of charges against him.

(Khatim Reza, J)

Sankalp/-

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