

Ravindra Manjhi vs The State Of Bihar on 4 September, 2024

Author: Harish Kumar

Bench: Harish Kumar

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61955 of 2024
Arising Out of PS. Case No.-260 Year-2024 Thana- EKMA District-
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Ravindra Manjhi, S/O- Kanhaiya Manjhi, Resident of Village-
Siristapur(Tajpur), P.S.- Jantabazar, District- Saran at @ Chapra
.....

Versus

The State of Bihar
... .. Oppos

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Appearance :
For the Petitioner/s : Mr. Mayank Mohan, Advocate
For the Opposite Party/s : Ms. Renu Kumari, Advocate
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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024

Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Ekma P.S. Case No. 260 of 2024 registered for the offence punishable under Sections 303(2) of the Bhartiya Nyaya Sanhita Act and later on Section 317(2) of the Bhartiya Nyaya Sanhita Act was added.

3. Based upon the written report the prosecution alleges that while the informant was in bank, after parking his motorcycle, in the mean time he saw that a person was fleeing away alongwith his bike. The informant raised halla and chased him, whereupon the accused left the motorcycle and tried to flee away, but apprehended by the local people and handed over to the police.

4. Learned Advocate appearing on behalf of the Patna High Court CR. MISC. No.61955 of 2024(2) dt.04-09-2024 petitioner referring to the narrations made in the FIR submitted that admittedly the motorcycle in question has not been recovered from the possession of the petitioner; but on account of past criminal antecedent of the petitioner in identical nature of crime, his name has been implicated in this case on suspicion. It is next contended that even if the allegation taken to be true, no case much less under Section 303(2) and 317(2) of the Bhartiya Nyaya Sanhita is made out. Moreover, the crime in question is traible by the Magistrate and now the petitioner has been incarcerated since 09.07.2024. He undertakes before this Court that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner was caught red handed by the police while he was trying to flee away with the motorcycle of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate in connection with Ekma P.S. Case No. 260 of 2024, Patna High Court CR. MISC. No.61955 of 2024(2) dt.04-09-2024 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J) supratim/-

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