

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.950 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -MAGADH UNIVERSITY District- GAYA

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1. Jago Manjhi Son of Late Sohrai Manjhi
 2. Shakuntala Manjhi Son of Jago Manjhi
 3. Binod Manjhi Son of Sohrai Manjhi
 4. Sukhari Manjhi Son of Sohrai Manjhi

All resident of Village- Mobarakpur Tola Punadih, P.S. Magadh University, Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 147, 149, 341, 323, 307 and 302 of the I.P.C

Allegedly, the informant Jitan Manjhi went at the house of Jago Manjhi to demand the dues and then Jago Manjhi started abusing and assaulting the informant and on his alarm his uncle Kaleshar Manjhi and Anil Manjhi came for rescue but the petitioners along with other co-accused surrounded them and started assaulting them with lathi and sickle resulting Kaleshar Manjhi died on the spot and Anil Manjhi also sustained head injury.

Submission is of false implication and that there is general and omnibus allegation against the petitioners, there was no intention to commit murder and in this case similarly situated co-accused Damdam Manjhi @ Shivnandan Manjhi, Chorwa Manjhi @ Deonandan Manjhi, Mungeshwar Manjhi and Saudagar Manjhi have been allowed bail by another coordinate Bench of this Court and the petitioners are suffering in custody since 17.08.2015 having no criminal antecedents.

The learned A.P.P. is not in a position to distinguish the case of the petitioners from other co-accused.

In the facts and circumstances as stated above, the petitioners 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 the A.C.J.M. 9th, Gaya in Magadh University P.S. Case No. 34 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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