

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18402 of 2016

Arising out of PS.Case No. -58 Year- 2003 Thana -GAYA MUFFSIL District- GAYA

Naresh Manjhi, Son of Shiv Bhajan Manjhi, resident of Gere Bhui Toli ,
Dhankuti, PS Mufassil, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gautam Kumar Kejriwal, Advocate.

For the Opposite Party : Mr. M. K. Nirala (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-05-2016 Heard learned counsels for the petitioner, informant and
learned counsel for the State.

The petitioner is languishing in custody since 26.03.2014
in connection with Mufassil(Gaya) P.S. Case No. 58 of 2003 for
the offences instituted under Sections 147, 148, 149, 323, 324,
452, 302, 380, 337, 427, 342 and 307 of the IPC.

The prosecution story, in brief, is that on 20.05.2003 at
about 12.00 P.M., the informant had a hot exchange with the wife
of Goga Manji, whereupon Goga Manjhi had physically harassed
the informant. It is further alleged that the husband of the
informant also assaulted Goga Manjhi, however, upon intervention
by the co-villagers, the dispute was resolved for a while. In the
evening, the husband of the informant and his brothers were



consuming toddy at home at about 8.00 P.M. when the accused persons carrying lathi and rod broke the house of the informant and started assaulting the husband of the informant and his brothers. The accused persons pulled the husband of the informant, namely, Binod Rawani, Ledha Manjhi, Ashok Manjhi @ Ashok Rawani and Sambal Singh Manjhi out of the house and assaulted them jointly causing several injuries. After the accused persons left the place of occurrence the informant found Vijay Rawani lying badly injured and the accused persons had stolen Rs. 500/- and Rs. 3000/- from different places in the house. Vinod Rawani, Ledha Manjhi, Ashok, Sambal Singh Manjhi were lying dead.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 26.03.2014 and the charge has been framed on 15.10.2014 since then only one prosecution witness has been examined in last 1 ½ years. No specific overt act has been alleged against the petitioner. General and omnibus allegation has been made against the petitioner. No specific injury has been attributed against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 the learned Additional District & Sessions Judge-VIIIth, Gaya, in connection with Sessions Trial No. 43 of 2014/397 of 2014, arising out of Mufassil (Gaya) P.S. Case No. 58/2003.

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(Sudhir Singh, J)