

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45416 of 2015

Arising Out of PS.Case No. -81 Year- 2013 Thana -TARIYANI CHOWK District- SHEOHAR

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1. Jai Kishore Manjhi S/o Rajdeo Manjhi.
2. Punyadeo Manjhi @ Pundeo Manjhi S/o Late Tapi Manjhi.
3. Raghubir Manjhi S/o Chandeshwar Manjhi.
4. Krisnandan Manjhi @ Krishnnandan Manjhi S/o Kailash Manjhi.
5. Sahdeo Manjhi S/o Vijay Manjhi. All R/o village- Aura, Malikana, P.S.-
Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 147, 149, 323, 341, 427, 436, and 302 of the Indian Penal Code.

The prosecution case, in short, is that while the informant's father was returning from Chapra Bazar on 22.7.2013, in the way near the Malikana Middle School, the accused persons surrounded and assaulted him by lathi, fatha and fists and made him injured. It is further alleged that the accused persons also set his hut on fire.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From the perusal of the first information report, it would appear that there is a lot of contradiction in the first information report itself. The informant admits that his father is dead but subsequently in the later part of

the F.I.R. he states that his father had gone to Chapra Bazar and on returning he was assaulted by the accused persons. The name of the father of informant is Late Budhu Manjhi and from perusal of the postmortem report it appears that the deceased is Baijnath Manjhi. Earlier, the first information report was instituted for the offences under Sections 147, 149, 341, 323, 427 and 436 of the Indian Penal Code but later on when the deceased died in the course of treatment after a period of 6-7 days, Section 302 I.P.C. was added. The death is said to have taken place due to secondary hemorrhage and not due to primary hemorrhage.

On behalf of the State, it has been submitted that the petitioners are named in the first information report and whatever contradiction, which is being pointed out by the petitioners, is due to inadvertent mistake.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners and the same is, accordingly, rejected.

Any how, the petitioners are directed to surrender in the court below, i.e., Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No.81 of 2013 within a period of six weeks and pray for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

V.P.Sinha/-

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(Sudhir Singh, J)