

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48142 of 2015

Arising Out of PS.Case No. -302 Year- 2015 Thana -BARACHATTI District- GAYA

- =====
1. Kameshwar Manjhi son of Late Somar Manjhi
 2. Dwarika Manjhi Son of Munna Manjhi
 3. Sogan Manjhi Son of Late Munna Manjhi
 4. Dara Manjhi Son of Tilak Manjhi
 5. Darshani Manjhi, son of Kameshwar Manjhi
 6. Rajendra Manjhi son of Saheb Manjhi
 7. Vira Manjhi, son of Kali Manjhi
 8. Krishna Manjhi son of Kishun Manjhi
 9. Devan Manjhi, son of Munesar Manjhi
 10. Sanjay Manjhi son of Munshi Manjhi
 11. Akal Manjhi son of Late Shyam Manjhi
 12. Gulal Manjhi Son of Chandar Manjhi All are Residents of
village- Jai Prakash Nagar, P.S. Bodh Gaya, District- Gaya
 13. Darogi Manjhi Son of Kailash Manjhi,
 14. Mithilesh Manjhi son of Saheb Manjhi
 15. Tanak Manjhi son of Chandar Manjhi
 16. Mukesh Manjhi son of Karu Manjhi All are Resident of
village- Baljori, P.S.- Bodh Gaya, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate
Mr. Rana Pratap Singh, Advocate
Mr.Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 12-02-2016 Heard the parties.

The petitioners, 16 in number, apprehend their arrest in a criminal prosecution registered under Sections 302, 201 and 120B/34 of the Indian Penal Code as also under Section 3/4 of The Prevention of Witch Practices Act, 1999.

Though, all the petitioners are named in the first information report vide Annexure-1 as accused but, there are two parts of allegations; in the first part of allegation against 13



accused persons including the petitioner nos. 1 to 12, the allegation is specific that they participated in the commission of crime of murder and the informant claims to be the eye witness of the alleged occurrence. However, so far the second part of occurrence is concerned, which shows the involvement of the petitioner nos. 13 to 16, the allegations are general and omnibus in nature, but the informant does not claim to be eye witness of that part of occurrence. In above view of the matter, this Court is not inclined to accede to the prayer made on behalf of the petitioner nos. 1 to 12, named above, for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail in connection with Barachatti (Mohanpur) P.S. Case No. 302 of 2015, pending in the court of Sri Narendra Pal Singh, the learned Judicial Magistrate, Ist Class, Gaya, is rejected.

However, if the aforesaid petitioner Nos. 1 to 12 surrender in the court below within a period of four weeks from today and apply for regular bail, then the same shall be considered on its own merits without being prejudiced by the rejection of their prayer for grant of anticipatory bail by the present order.

Now, so far as the petitioner nos. 13 to 16 are concerned, taking into consideration the fact that there is no specific allegation against them for participating in the commission of crime of murder, this Court is inclined to accede to the prayer made on their behalf for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the petitioner nos. 13 to 16 namely, Darogi Manjhi, Mithilesh Manjhi, Tanak Manjhi and Mukesh Manjhi, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the

like amount each to the satisfaction of Sri Narendra Pal Singh, the learned Judicial Magistrate, 1st Class, Gaya in connection with Barachatti (Mohanpur) P.S.Case No. 302 of 2015, subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be government servant or close family member of the petitioners who will file an affidavit in the court below showing their relationship with the petitioners,

(B) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

Tahir/-

(Birendra Prasad Verma, J)

U		T	
---	--	---	--