

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41738 of 2017

Arising Out of PS.Case No. -506 Year- 2016 Thana -MASAURHI District- PATNA

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1. NIRANJAN MANJHI @ NIRANJAY MANJHI son of Mehangu Manjhi
2. Badru Manjhi son of Late Niranjan Manjhi
3. Arbind Manjhi son of Late Chandradeo Manjhi
4. Binod Manjhi son of Latodar Manjhi All are residents of Village - Basdih
Masaurhi, P.S. - Masaurhi, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-10-2010 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek regular bail in connection with
Masaurhi P.S. Case No. 506 of 2016 for offences alleged under
Sections 454,354(A), 354(B), 341,323,302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is that
while she and her daughter were sleeping in the house, the
petitioners forcefully entered into her house and tried to commit
rape and on raising alarm they assaulted the informant and her
daughter and fled away. Next morning she informed her uncle
Vinesh Manjhi about the incident who came to her house in the



evening. When Vinesh Manjhi (deceased) saw the petitioner no. 1 in front of his house, he asked him about the incident for which he gave a khanti blow on her uncle Vinesh Manjhi and all the other petitioners also gave lathi and danda blow on which he was seriously injured and while taking to the hospital he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent, have no criminal history and being on inimical terms they have been made accused. He submits that no overt act has been committed by them, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the informant's daughter and independent witness at para 12,13 and 14 of the case diary have seen the incident and supported the prosecution case.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioners.

Accordingly, this application is rejected.

(Nilu Agrawal, J)

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