

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39091 of 2018

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

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1. Niranjana Manjhi @ Niranjay Manjhi, Son of Late Mehangu Manjhi,
Resident of Village- Basdih, 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. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 25-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner had earlier moved for bail, which was
rejected vide order dated 12.10.2017 passed in Cr. Misc. No.
41738 of 2017.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with Sessions Trial No.514 of 2017
arising out of Masaurhi P.S. Case No. 506 of 2016 for the offence
alleged under Sections 354, 354(A), 354(B), 341, 323, 302/34 of
the I.P.C.

The prosecution case, as lodged by the informant is
that while she and her daughter was sleeping in the house, the
petitioner along with three others came and forcibly entered into



the house and tried to commit rape but on alarm, they escaped. When she called her uncle, Vinesh Manjhi (deceased), who objected the activities, petitioner along with co-accused, gave lathi & iron rod blow on which he was injured and during treatment succumbed to the injury.

It has been submitted by learned counsel for the petitioner that he is innocent and he has no criminal history and the allegations are false, general and omnibus. He submits that some of the co-accused who were along with the petitioner have been granted privileges of bail by this Court in Cr. Misc. No. 26631 of 2018 vide order dated 02.05.2018 and in Cr. Misc. No. 30465 of 2018 vide order dated 16.05.2018. The petitioner undertakes to cooperate in the trial.

Learned APP for the State, however, opposes the prayer for bail. In this regard, a report was called for from the Special Judge CBI-I-cum-Special Judge SC ST Act-cum-ADJ-V, Patna, who has sent report vide Letter No.63 dated 21.07.2018 that summons have been issued against prosecution witnesses but none of the witnesses have been examined as yet.

Considering the aforesaid facts and circumstances, the period of custody and the materials on record, let the petitioner, named above, to be enlarged 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 Special Judge CBI-I-cum-Additional Sessions Judge-V, Patna in connection with Sessions Trial No.514 of 2017, arising out of Masaurhi P.S. Case No. 506 of 2016, subject to the conditions that :- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner. (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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