

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2134 of 2018

Arising Out of PS.Case No. -55 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jaimangal Manjhi, S/o Shanichhar Manji,
 2. Sanjeev Manjhi, S/o Kailash Manjhi.
- Both resident of Village Khairamal, P.S.- Pipra, Distt.- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code. Subsequently, Section 302 IPC was also added.

The prosecution case as per the fardbeyan of Mithilesh Sahni recorded by ASI Vijay Kumar Singhon 24.03.2016 at 8.00 P.M. at Pulse Emergency Hospital, Patna is to the effect that the informant was going to the house of co-villager along with Umesh Prasad when he reached near the



house of Bhuneshwar Manjhi, all eight accused persons named in the FIR and 20 unknown persons surrounded the informant and made assault. On alarm being raised, the father of the informant, Hari Sahni, mother Urmila Devi, brother Sri Niwas Sahni and wife Sangeeta Devi came to rescue him and they were also assaulted by the accused persons. In the said incident, co-accused Khublal Manjhi assaulted with Farsa on the head of informant's father Hari Sahni, as a result, he fell and got unconscious. Initially the case was registered under Section 307 and other allied sections of the IPC but subsequently when the father of the informant succumbed to the injuries, Section 302 IPC was also added.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners. The petitioners are not having any criminal antecedent, statement to that effect has been made in paragraph 3 of the petition and considering the thrust of accusation against Khublal Manjhi, co-accused Hiranman Manjhi has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 24716 of 2017, as contained in Annexure-3.

Learned APP submits that the accusation of assault has also been levelled against the petitioners.



Considering the fact that the specific accusation of assault is against co-accused Khublal Manjhi and similarly situated Hiranman Manjhi, has been granted anticipatory bail by a co-ordinate Bench of this Court, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-14, East Champaran at Motihari in connection with Sessions Trial No. 978 of 2016 arising out of Pipra P.S. Case No. 55 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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