

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60033 of 2018

Arising Out of PS. Case No.-148 Year-2013 Thana- AKBARPUR District- Nawada

-
1. Haru Manjhi,
 2. Sanjay Manjhi,
 3. Kutni Manjhi. All Sons of Late Akal Manjhi, R/o Vill.- Dakara Bigha Mushari, P.S.- Akbarpur, Distt.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate.
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 323, 302 and 504/34 of the IPC.

The prosecution story, in brief, is that on 05.08.2013 at 4.00 P.M., the husband of the informant, namely, Lakhan Manjhi after drinking toddy was coming and he came near the house of Karan Manjhi who was brother-in-law (*Sala*) in his relation. He threw a piece of soil towards Karan Manjhi which goes towards Ghutari Devi sister of Karan Manjhi. Upon which she told that Lakhan Manjhi assaulted her. Thereafter, petitioner no. 1 Haru Manjhi, petitioner no. 2 Sanjay Manjhi, co-accused



Gola Manjhi and petitioner no. 3 Kutni Manjhi came and assaulted with *fists* the husband of the informant as a result of which, he fell down. Informant Hirmat Devi went on hearing and saw that all accused were assaulting and abusing her husband and on arrival of the village people, accused stopped for assaulting and informant brought her husband to her house and put him on cot but all accused came and began to assault with *legs* and *fats* till he succumbed to injuries.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. No deadly weapon is alleged to have been used in course of occurrence except for fists and slaps. It is further submitted that other co-accused has been granted regular bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 59495 of 2017 order dated 07.02.2018.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. and the petitioners are alleged to have assaulted the deceased. The postmortem report corroborates the allegations made in the F.I.R.



Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Akbarpur P.S. Case No. 148 of 2013, pending in the court of learned A.C.J.M.-I, Nawada.

Anyhow, if the petitioners surrender and pray for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court taking into account that other co-accused has been granted regular bail by another Co-ordinate Bench of this Court.

(Sudhir Singh, J)

U.K./-

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

