

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43699 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -SIRDALA District- NAWADA

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1. Satendra Manjhi Son of late Ram Sahay Manjhi
2. Jalendra Manjhi Son of late Ram Sahay Manjhi Both R/o Village-
Nemdhaura, P.S. Sirdala, Distt. Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2018 At the outset, learned counsel for the petitioners submits that vide order dated 23-07-2018, this Cr. Misc. Application against petitioner No. 1 has already become infructuous.

Heard learned counsel for the petitioner No. 2 and learned APP for the State.

The petitioner No. 2 is apprehending his arrest in a case registered under Sections 147, 148, 341, 323, 307, 379 of the Indian Penal Code.

Allegation against the petitioner No. 2 is of assaulting the informant's head with Gadansa and Lathi.

It has been submitted on behalf of the petitioner No. 2 that the petitioner No. 2 has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner No. 2. Single Gadansa blow is said to have been given by the petitioner No. 2. There is no repetition of blow. There is a case and counter case between the parties. Both sides have sustained injury. The present case is an outcome of a free-fight.

On behalf of the State, it is submitted that the specific allegation of assault has been made against the petitioner No. 2 and the nature of injury is grievous.

Considering the aforesaid facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner No. 2. Accordingly, prayer for anticipatory bail of petitioner No. 2, namely Jalendra Manjhi, filed in connection with Sirdala P.S. Case No. 74 of 2018 is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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