

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9293 of 2019

Arising Out of PS. Case No.-67 Year-2013 Thana- BODHGAYA District- Gaya

-
1. Rajendra Manjhi, aged about 43 years (male), S/o Late Ram Kishun Manjhi @ Thotha Manjhi.
 2. Tilak Manjhi aged about 30 years (male), Son of Late Mosafir Manjhi Both R/o Village- Amwan, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 25.09.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 341, 342, 109, 114, 307 and 302 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Mohan Yadav recorded by S.I., K.K. Sharma of Bodh Gaya Police Station on 26.03.2013 at 11.00 P.M., is to the effect that on 26.03.2013 at 9.50 P.M., the informant along with his cousin brother, Bali Yadav and the victim Sitaram Yadav were going to the house of Sitaram Yadav. On the way, six accused persons including the petitioner nos 1 and 2 variously armed caught hold



of the informant and his two brothers. The informant and Bali Yadav escaped from the scene, but all 32 FIR named accused persons and 100 unknown including the petitioner nos.1 and 2 killed the brother of the informant, Sitaram Yadav.

It is submitted by learned counsel for the petitioners that the petitioners were not among the six persons, who initially caught hold of the informant and his brothers. The petitioners are named as one hundred other accused persons who initially caught hold of the informant. It is further submitted that the accusation is omnibus and general and against the mob of one hundred persons, considering the same, similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. Nos. 42346 of 2013 and 45591 of 2013. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that the accusation is omnibus and general against the mob and similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court, coupled with the statement made in



paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **CJM, Gaya** in connection with **Bodh Gaya P.S. Case No.67 of 2013.**

Since the petitioners in a case registered in the year, 2013 have surrendered in 2018, the learned Court below will positively cancel the bail bonds of the petitioners, if they default for three consecutive occasions.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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

