

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5059 of 2019

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

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Gendu Manjhi @ Gondu Manjhi, aged about 33years (M), Son late Dhan kumar Manjhi, Resident of Village - Amwan, P.S. - Bodh Gaya, District – Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 13.08.2018 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 was going to the house of Sitaram Yadav. On the way, six accused persons variously armed caught hold of the informant and his two



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

It is submitted by learned counsel for the petitioner that the petitioner is not among the six persons, who initially caught hold the informant and his brothers. The accusation is omnibus and general and 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 petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the accusation is omnibus and general and similarly situated co-accused persons have been granted bail, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd



Additional Sessions Judge, Gaya in connection with Sessions
Trial No. 102 of 2018 (453 of 2018), arising out of Bodh Gaya
P.S. Case No. 67 of 2013.

Since the petitioner in a case registered in the year,
2013 has surrendered in 2018, the learned Court below will
positively cancel the bail bonds of the petitioner, if he defaults
for three consecutive occasions.

(Dinesh Kumar Singh, J)

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