

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13002 of 2019

Arising Out of P.S. Case No.-68 Year-2013 Thana- BODHGAYA District- Gaya

1. RAJENDRA MANJHI, aged about 43 years (male), Son of Late Ram Kishun Manjhi @ Thotha Manjhi Resident of Village - Amwa, P.S.- Bodh Gaya, District - Gaya
2. Tilak Manjhi, aged about 30 years (male), Son of Late Mosafir Manjhi Resident of Village - Amwa, 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, Advocate
For the Opposite Party/s : Mr.Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 31.10.2018 and 27.10.2018 respectively in connection with Bodh Gaya P.S.Case No.68 of 2013 for the offence alleged under Sections 147, 148, 149, 324, 342, 323, 324, 307, 333, 337, 338, 322, 224, 225, 353, 120B, 379 and 302 of the Indian Penal Code.

The prosecution case as lodged by the Block Statistical Supervisor, Bodh Gaya is that on a murder of one Sitaram Yadav, his family members resorted to assault and when the police reached there, the FIR named accused and some 200-250 persons started brick batting on the police personnel as a result one of the police personnel died and the miscreants



managed to take away police arms.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the FIR and have been falsely implicated in the aforesaid case. He submits that for the same occurrence, Bodh Gaya P.S. Case No.67 of 2013 has also been registered where the petitioners have been made accused. Apart from that the petitioners bear no criminal antecedent and are languishing in judicial custody since more than four months. He further submits that the FIR named accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.47290 of 2016 dated 16.12.2016 and similarly situated co-accused have also been granted the privilege of bail by another Bench of this Court in Cr.Misc.No.34129 of 2018 dated 14.08.2018. He further submits that general and omnibus allegation has been levelled them, it was a mob attack and petitioners have been falsely implicated.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten



thousand) each with two sureties of the like amount each in connection with Bodh Gaya P.S.Case No.68 of 2013 to the satisfaction of learned Chief Judicial Magistrate, Gaya.

(Nilu Agrawal, J)

B.Kr./-

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

