

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17457 of 2019

Arising Out of PS. Case No.-270 Year-2018 Thana- SARAIYA District- Muzaffarpur

1. RAMAI KUMAR MANJHI @ RAMAI MANJHI Son of Shankar Manjhi Resident of Village - Basantpur Patti and Raghwa Chapra, P.S.- Sariya, Distt.- Muzaffarpur
2. Niraj manjhi Son of Late Baldeo Manjhi Resident of Village - Basantpur Patti and Raghwa Chapra, P.S.- Sariya, Distt.- Muzaffarpur
3. Shankar Manjhi Son of Bhutta Manjhi Resident of Village - Basantpur Patti and Raghwa Chapra, P.S.- Sariya, Distt.- Muzaffarpur
4. Chania Manjhi @ Chania Devi Wife of Shankar Manjhi Resident of Village - Basantpur Patti and Raghwa Chapra, P.S.- Sariya, Distt.- Muzaffarpur
5. Nirmala Devi Wife of Bisuni Manjhi Resident of Village - Basantpur Patti and Raghwa Chapra, P.S.- Sariya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147,148, 149, 341, 342, 323, 324, 307, 427, 436, 452, 457, 379, 380 IPC and Section 27 of the Arms Act registered in connection with Saraiya P.S. Case No. 270/2018, GR No. 2173 of 2018.

3. It is submitted that the petitioners have been falsely implicated as a counter blast to the FIR in Saraiya P.S. Case No. 268 of 2018 instituted at the instance of the petitioner's side, a day prior to the present FIR. It is submitted that the accusation of assault is not supported with any injury report and not a single person from the informant's side has been injured. On the contrary, Basudeo Manjhi, nephew of the petitioner nos. 1 and 2 had died for which the aforesaid



Saraiya P.S. Case No. 268 of 2018 has been instituted against the informant's side. The FIR has been instituted against as many as 19 persons and 80 unknown persons. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 56980 of 2018. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM I, West Muzaffarpur, in connection with Saraiya P.S. Case No. 270/2018, GR No. 2173 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner nos. 1, 2 and 3 shall remain physically present and petitioner nos. 4 and 5 shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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