

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31283 of 2019

Arising Out of PS. Case No.-547 Year-2018 Thana- MUFFASIL District- West Champaran

1. DEWAN MANJHI @ BINOD MANJHI Son of Banshi Manjhi Resident of Village - Bisambharpur, P.S.- Bettiah Muffasil, District - West Champaran.
2. Sanjay Manjhi Son of Late Joshi Manjhi Resident of Village - Bisambharpur, P.S.- Bettiah Muffasil, District - West Champaran.
3. Ajay Manjhi Son of Yogendra Manjhi Resident of Village - Bisambharpur, P.S.- Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 448, 341, 323, 354B, 379, 504/34 of the Indian Penal Code registered in connection with Bettiah Muffasil P.S. Case No. 547/2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and the parties are agnates. It is submitted that the accusation of commission of offence under Section 354(B) of the Indian Penal Code by the petitioner no. 2 in presence of others is highly improbable. The accusation under Section 374 of the Indian



Penal Code is mere embellishment.

4. Learned APP submits on the basis of case diary that the informant Gudiya Devi has suffered serious injury in her hand, which is attributed to petitioner no. 2.

5. Having regard to the nature of accusations and gravity of offence alleged, , this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. Bail petition as against him stands dismissed.

6. As regards petitioner nos. 1 and 3 in the event of the arrest or surrender by petitioner nos. 1 and 3 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 3 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 CJM, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 547/2018, 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 petitioner nos. 1 and 3.

ii. That the petitioner nos. 1 and 3 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 3 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 and 3 shall remain physically present 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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