

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39545 of 2019

Arising Out of PS. Case No.-583 Year-2018 Thana- BODHGAYA District- Gaya

1. Vijay Manjhi age 32 Years, Male, S/o Nathun Manjhi
2. Kunti Devi @ Malti Devi, age 30 Years, Female, W/o Vijay Manjhi Resident of village- Suryapura, P.S.- Bodhgaya, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 326 and 307/34 of the Indian Penal Code registered in connection with Bodhgaya P.S. Case No. 583 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. There is case and counter case between the parties and both sides have received injuries. The FIR is against as many as 15 named accused persons including the petitioners who are said to have assaulted with fasuli, tangi and fire-arm on the informant's sides. The accusations of assault are general and omnibus in nature and no specific overt act is attributed to the petitioners individually. Similarly situated other accused persons have been granted anticipatory bail by this Court vide order dated 23.07.2019 passed in Cr. Misc. No. 28994 of 2019 and Cr. Misc. No. 37264 of 2019. 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No. 583 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their co-villagers

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall remain physically present in court on each and every date during trial and petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned Court below to be physically present, 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.

(iv) That the petitioners shall cooperate 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.

(Vikash Jain, J)

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