

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57254 of 2019

Arising Out of PS. Case No.-282 Year-2019 Thana- GARKHA District- Saran

1. Lal Bahadur Manjhi Son of Late Ram Prawesh Manjhi Resident of Village-Pirathi, P.S.-Garkha, District-Saran at Chapra.
2. Gajendra Manjhi Son of Shyamamdeo Manjhi Resident of Village-Pirathi, P.S.-Garkha, District-Saran at Chapra.
3. Rishikesh Manjhi @ Rishikesh Paswan Son of Late Bahadur Manjhi Resident of Village-Pirathi, P.S.-Garkha, District-Saran at Chapra.
4. Vijay Kumar Manjhi @ Binoy Kumar Manjhi Son of Rajbanshi Manjhi Resident of Village-Pirathi, P.S.-Garkha, District-Saran at Chapra.
5. Shyamdeo Manjhi Son of Late Ram Parwesh Manjhi Resident of Village-Pirathi, P.S.-Garkha, District-Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rakesh Kumar Tiwary, Advocate
For the Opposite Party : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in connection with **Garkha P.S. Case No. 282 of 2019** instituted for the offence under Section(s) 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

Petitioners' counsel submits that there is a subsisting civil dispute pending between the petitioners and the informant's side. The parties are in litigating terms since before. In respect of



the occurrence leading to lodging of the First Information Report, he submits that there is a counter version also vide Annexure-2 i.e, Garkha P.S. Case No. 284 of 2019. The earlier disputes is also placed on record by way of Annexure-3 i.e. an First Information Report lodged by the petitioners' side against the informant. It is submitted that injuries which have come in the course of investigation cannot be specifically attributed to any individual petitioner as there is a general allegation against all petitioners. The occurrence arises out of a free fight based on the subsisting litigation between the parties since before. The petitioner Nos. 1 and 5 have one criminal antecedents and it is submitted that in the earlier case both the said petitioners are on bail. Regarding the other petitioners, there is specific averments in the bail petition that they have no criminal antecedents.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of



the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **A.C.J.M-XIVth Chapra at Saran**, in connection with **Garkha P.S. Case No. 282 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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