

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69327 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- PARSA District- Saran

HARENDRA MANJHI @ HARENDRA MANJHI S/o Late Dinanath Manjhi
@ Bhothari Manjhi R/o village- Bhujauna, P.S.- Parasa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Singh, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.07.2019 in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code. Subsequently, Section 302 of the I.P.C was also added vide order dated 18.03.2019.

The prosecution case as per the written report of the informant, Mishri Manjhi is to the effect that on 13.02.2019 at 7.00 P.M., the informant was at his door, in the meantime, the petitioner along with co-accused, Bachhu Manjhi came and started abusing the informant. On protest being made, the informant was assaulted by both the accused persons on his head with lathi and danda. On alarm being raised, when the



son of the informant, Dharamnath Manjhi came to rescue the informant, then co-accused, Bachhu Manjhi assaulted him with a lathi, causing injury on his head. It is also alleged that the petitioner took Rs.2500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that due to old enmity, the accusation has been levelled. For the occurrence of 13.02.2019, the FIR was registered on 15.02.2019. It is further submitted that the case of the prosecution is that the petitioner and co-accused assaulted indiscriminately to the informant, who subsequently succumbed to the injuries, but the post-mortem reflects only one injury on the head. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation of assault is specific against the petitioner.

Considering the accusation being not corroborated by the medical opinion and the investigation already being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
ACJM-II, Chapra, in connection with Parsa P.S.Case No. 38 of
2019.

(Dinesh Kumar Singh, J)

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