

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7823 of 2020**

Arising Out of PS. Case No.-89 Year-2018 Thana- UCHKAGAON District- Gopalganj

Ashok Manjhi Son of Late Ramayan Manjhi Resident of Village-Banki Khal,
P.S.-Uchkagaon, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 01-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 14.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 354 and 379 of the IPC.

The prosecution case, as per the fardbeyan of Draupati Devi, recorded by R. P. Ray, A.S.I., Gopalganj Town Police Station on 01.04.2018 at 4.30 P.M. at Gopalganj Sadar Hospital is to the effect that on the same day at about 11 A.M., after taking some money from Amrendra Dixit for medical treatment, the informant was returning to his house., in the



meantime, all the accused persons including the petitioner, being the agnates of the informant, came variously armed and started abusing the informant. It is alleged against the petitioner that he assaulted the informant with axe causing injury on his head. All the accused persons also snatched money from the informant.

It is submitted by learned counsel for the petitioner that due to old enmity, the accusation has been levelled against the petitioner. Though, there is accusation against the petitioner to have assaulted with axe, but the injury of the informant has been found superficial and simple in nature. Though, statement with regard to criminal antecedent of the petitioner has not been mentioned in paragraph no.3 of the petition, but a supplementary affidavit has been filed to the effect that the petitioner is made accused in one other case in which he is on bail.

Learned APP submits that the accusation against the petitioner is specific and he is named in the FIR.

Considering the fact that investigation has already been concluded and there is no accusation of repeating blow against the petitioner, moreover, injury has been found superficial simple in nature, let the petitioner above named be released on bail for the present provisionally for a period of



three months on furnishing one surety to the satisfaction of the learned ACJM-IX, Gopalganj in connection with Uchkagaon P.S. Case No. 89 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned ACJM-IX, Gopalganj in connection with Uchkagaon P.S. Case No. 89 of 2018.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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