

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18941 of 2020**

Arising Out of PS. Case No.-131 Year-2019 Thana- GOVINDPUR District- Nawada

1. SURESH MANJHI, S/o Tuni Manjhi
2. Naro Manjhi, S/o Hira Manjhi
Both Resident of Village-Kolgarh, Ektara, P.S-Govindpur, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-08-2020 Heard learned counsel for the petitioners and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Govindpur P.S. Case No.131/2019 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 3/4 of the Dayan Act.

Learned counsel for the petitioners submits that in the First Information Report there are altogether 12 persons named and there are general and omnibus allegations against all of them of causing assault upon the deceased. So far as these petitioners are concerned, it is alleged that they had assaulted



the deceased by a knife but the postmortem report would show only one penetrating wound that too oval in shape $\frac{1}{2}$ "x $\frac{1}{2}$ " at left lower part of upper arm posterior on upper arm postural. Death has taken place due to swelling in mid parietal region of brain caused by hard and rough object on head. Thus death has not been caused by the alleged knife injury. It is further submitted that no independent witness has been examined by the investigating officer in course of investigation and it is a case of overimplication.

Learned APP for the State has opposed the prayer for regular bail of the petitioners as according to him the petitioners have been named as assailants.

Having regard to the facts and circumstances of the case wherein there are general allegations of causing assault against 12 persons and so far as these petitioners are concerned it is alleged that they had assaulted the informant by a knife but no knife injury has been found on the head and according to the postmortem report the death has been caused by assault by hard and rough object on the head, let the petitioners who are in custody since 23.07.2019 and the investigation against them is complete be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the



like amount each to the satisfaction of learned A.D.J.-VIII, Nawada in connection with Govindpur P.S. Case No.131/019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

