

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.25984 of 2020**

Arising Out of PS. Case No.-623 Year-2018 Thana- BARACHATTI District- Gaya

1. INDRAJEET MANJHI Son of Kuleshwar Manjhi Resident of Village- Gangwar, P.S.- Barachatti, District- Gaya.
2. Niraj Kumar Son of Mathura Prasad Resident of Village- Gangwar, P.S.- Barachatti, District- Gaya.
3. Dharmendra Kumar Son of Shankar Paswan Resident of Village- Gangwar, P.S.- Barachatti, District- Gaya.
4. Sanjay Paswan Son of Kailash Paswan Resident of Village- Gangwar, P.S.- Barachatti, District- Gaya.
5. Ramlal Kumar Manjhi Son of Rameshwar Manjhi Resident of Village- Gangwar, P.S.- Barachatti, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Advocate  
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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

2      15-10-2020                      Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Jagdhar Prasad, learned A.P.P. for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Barachatti P.S. Case No. 623 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code.



Learned counsel for the petitioners submits that in the F.I.R. altogether 10 persons have been named and all of them have been attributed different weapons without there being any specific weapon alleged in the hand of any of the accused. The alleged occurrence is said to have taken place over a land dispute. Co-accused Ankaj Kumar has been attributed specific allegation of causing injury on the head of the informant. He has been granted privilege of regular bail by a learned coordinate Bench of this Court in Cr. Misc. No. 18149/2019. It is then submitted that the another co-accused Fuleshwar Manjhi and Uday Manjhi against whom there were allegations of causing assault on the mother of the informant, they have also been granted bail in Cr. Misc. No. 22978/2019.

Learned counsel submits that so far as these petitioners are concerned, there is no specific allegations against them save and except it is alleged that all the accused persons lashed with different weapons in their hand had caused assault on the brother of the informant and the labourer Ram Ratan Manjhi. Learned counsel submits that the injuries found on the body of the brother of the informant are in the nature of tenderness and swelling and further the injury on the body of the labourer has also been found as lacerated, abrasion and



tenderness but these injuries are said to have been caused by all the accused persons which cannot be prima-facie possible.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners having noticed that there are general and omnibus allegations of assault against the brother of the informant and the labourer Ram Ratan Manjhi, no specific weapon has been attributed to the petitioners and no specific overt act has been alleged against them, the petitioners have otherwise no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 623/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

**(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'.

