

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70606 of 2019

In

CRIMINAL MISCELLANEOUS No.8675 of 2019

Arising Out of PS. Case No.-395 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

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1. Vijay Manjhi Son of Rajballam Manjhi Resident of Village - Fatehpur, P.S.-
Makhdumpur, District- Jehanabad
 2. Baban Manjhi Son of Rajballam Manjhi Resident of Village - Fatehpur, P.S.-
Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 11-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioners undertakes

to remove the defects within three weeks of the

resumption of the physical Court proceedings.

In case of non-removal of the defects, the

office shall place the matter before the bench.



Heard learned counsel for the petitioners and learned counsel for the State.

The present application has been filed for modification of the order dated 14.02.2019 passed in Cr. Misc. No. 8675 of 2019 to the extent of confirming the provisional bail and extending the period of surrender and furnishing bonds.

The petitioners being husband and brother of the husband of the daughter of the informant were apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307/34 of the Indian Penal Code.

The prosecution case as per the written report of Mahesh Manjhi, submitted to the S.H.O, Makhdumpur Police Station is to the effect that the daughter of the informant, Sunaina Devi was married with Baban Manjhi (petitioner No. 2) in the year 2016. For some times, the matrimonial relationship was cordial but thereafter due to family dispute, the daughter of the informant came to



her parents' house. It is alleged that on 25.10.2018 at 11:30 A.M, when the informant took the daughter of the informant to her in-laws house then all the accused persons including the petitioners started assaulting the informant and when the niece of the informant came to rescue, she was also assaulted by all the accused persons.

On submission of the petitioners that accusation is omnibus and general and petitioners are not having any criminal antecedent, the petitioners were granted provisional anticipatory bail for four months with a direction to the learned Court below to get the issue reconciled after issuing notice to the daughter of the informant and the provisional bail of the petitioners was to be confirmed on resumption of the matrimonial harmony between the daughter of the informant and petitioner No. 2.

It is submitted by learned counsel for the petitioners that in pursuance to the order of this Court,



notices were issued by the learned Court below to the daughter of the informant but she did not appear, as a result, the petitioners neither furnished their bail bonds nor their provisional bail has been confirmed. However, the bail bonds has not been cancelled till date.

Mr. Amrendra Kumar Singh, learned counsel has entered appearance on behalf of the informant and submits that the informant could not receive the notice. However, the daughter of the informant is ready to resume the conjugal life with the petitioner No. 2.

Learned counsel for the petitioners, on instructions submits that petitioner No. 2 is ready to accept the offer of the daughter of the informant and he is ready to take her to the matrimonial house from the Court itself and keep her as wife with full dignity and honour.

Both the parties are ready to appear before the Court below on 6th of October, 2020 when the petitioner No. 2 will take the informant's daughter to keep her as



wife with full dignity and honour.

Considering the fact that claim of the petitioners that bail bonds has still not been cancelled by the learned Court below which has not been disputed by learned counsel for the informant, the prayer for extending the period of provisional bail is extended till 2nd of November, 2020 in connection with Makhdumpur P.S. Case No. 395 of 2018(Sessions Trial No. 204 of 2019) pending in the Court of learned Additional Sessions Judge-VII, Jehanabad.

The provisional bail of the petitioners will be confirmed by learned Court below if the petitioner No. 2 and daughter of the informant appear before the Court below on 6th of October, 2020 and petitioner No. 2 takes the daughter of the informant to her matrimonial house. The provisional bail will also be confirmed by learned Court below if the learned Court below *prima facie* satisfied that the issue has been resolved between the parties or if the daughter of the informant fails to appear



before learned Court below. The learned Court below will be at liberty to extend the period of provisional bail, if it so requires.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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