

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78022 of 2019

Arising Out of PS. Case No.-68 Year-2013 Thana- BODHGAYA District- Gaya

-
1. BANDA MANJHI @ BARA MANJHI Son of Kuleshar Manjhi Resident of Village-Amwan, P.S-Bodh-Gaya, District-Gaya.
 2. Dharmendra Manjhi Son of Mitran Manjhi Resident of Village-Amwan, P.S-Bodh-Gaya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners seek bail in Bodh Gaya P.S. case No. 68/2013 registered under Section 307, 302, 353 and other minor Sections of the Indian Penal Code.

The informant, Block Statistical Supervisor, Bodh Gaya alleged that he was deputed as a Magistrate on the eve of Holi to maintain law and order. On 27.03.2013 he went to the place in village Amwan and the local people disclosed that one Sitaram Yadav was killed. The family members of Sitaram Yadav did not allow the dead body to be taken for post mortem. The police



arrested six persons, namely, Ashok Manjhi, Mittan Manjhi, Kara Manjhi, Krishna Manjhi, Banda Manjhi, petitioner No.1, and Arjun Manjhi. The apprehended accused made hue and cry on such the villagers assembled there and ran amok. They started pelting stones on the police personnel. The police also resorted to firing and situation was brought under control. The police returned but on the next day while the counting of Constables was done one Constable, Kamdeo Yadav, was missing and his dead body was lying in a field near the place of occurrence.

The learned counsel for the petitioners submits that petitioner No.1 was arrested on the allegation of causing death of Sitaram Yadav. Petitioner No.2 is not named in the FIR. There is omnibus and general allegation against all the members of mob. Similarly situated accused Ashok Kumar Manjhi, whose name also figured in the case, has already been granted bail vide order dated 16.12.2016 passed in Cr. Misc. No. 47290 of 2016. Other unnamed persons have also been granted bail vide orders passed in Cr. Misc. Nos. 16542 of 2014 and 34129 of 2018 and the case of petitioners stands on same footing. The petitioners are in custody since 01.04.2019 and they have remained in custody for more than one year.



Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. case No. 68/ 2013.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

