

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75005 of 2019

Arising Out of PS. Case No.-128 Year-2018 Thana- NARDIGANJ District- Nawada

1. Shiv Balak Manjhi (Male), aged about 45 years, S/o Late Mosafir Manjhi R/o Village- Dhaniyawa, P.S.- Nardiganj, District- Nawada
2. Suma Devi (Female), aged about 40 years, W/o Shiv Balak Manjhi R/o village- Dhaniyawa, P.S.- Nardiganj, District- Nawada
3. Shrawan Manjhi (Male) aged about 22 years, S/o Shiv Balak Manjhi R/o village- Dhaniyawa, P.S.- Nardiganj, District- Nawada
4. Samundri Devi @ Samdri Devi (Female), aged about 20 years, W/o Shrawan Manjhi R/o village- Dhaniyawa, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Nardiganj P.S. Case No. 128 of 2018 registered for offences under sections 147/148/149/341/323/337/304 of the Indian Penal Code.

The First Information Report has been lodged by the husband of the deceased making an allegation that there was a longstanding land dispute between him and his cousin brother Shiv Balak Manjhi. On 8.7.2018 in the night, all the accused



persons assaulted the Informant with Danda and pieces of brick. When his wife, Rinku Dvi, came to save him, then Rangu Manjhi assaulted his wife with brick causing bleeding injury on her head who ultimately died.

Learned counsel for the petitioners submits that the alleged offence has been committed on 8.7.2018 but, the First Information Report has been lodged on 12.7.2018 but, from the F.I.R., it appears that on the next day, the victim was carried to the hospital and the other family members were also treated on account of injury received by the accused persons. He further submits that the specific allegation has been made against Rangu Manjhi who is not the petitioner in this bail application.

Considering the entire facts and circumstances of the case as also considering the fact that not only the victim has died but, others have also received injury, let the petitioner nos. 2 & 4, namely, Suma devi and Samundri Devi @ Samdri Devi, being lady, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Nawada in connection with Nardiganj P.S. Case No. 128 of



2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call them for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

However, this Court is not inclined to grant privilege of anticipatory bail to the petitioner nos. 1 & 3, Shiv Balak Manjhi and Shrawan Manjhi. Accordingly, their prayer for anticipatory bail is rejected. If they surrender before the court below within a period of three weeks from today and pray for bail, the court below, without being prejudiced by this order, will take a decision in accordance with law.

(Shivaji Pandey, J)

rishi/-

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

