

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83078 of 2019

Arising Out of PS. Case No.-312 Year-2019 Thana- PATAHI District- East Champaran

1. Dhruplal Manjhi @ Dhruvlal Manjhi, aged about 35 years (M),
2. Basant Manjhi, aged about 33 years (M),
3. Bijay Manjhi, aged about 31 yeas (M),
4. Birendra Manjhi, aged about 29 years (M),
All sons of Rajendra Manjhi @ Yogendra Manjhi,
5. Patiya Devi, aged about 31 years (F), wife of Basant Manjhi,
All residents of Village - Dhangad Toli, P.S.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-01-2020

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

2. The petitioners apprehend arrest in connection with
Patahi PS Case No.312 of 2019 dated 04.10.2019 instituted
under Sections 147, 148, 149, 341, 323, 324, 326, 325, 307,
353, 332, 333, 379, 120-B of the Indian Penal Code.

3. The allegation against the petitioners amongst 200-
250 male/female persons is of attacking the police force with
lathi, danda, farsa, rod and bricks when they had gone to the
house of the *Mukhiya* on information that illicit liquor was



stored there.

4. Learned counsel for the petitioners submitted that there is general and omnibus allegation against 200-250 persons, but nothing specific has been alleged against the petitioners in individual capacity. It was submitted that similarly situated co-accused Munni Devi, Bhagwan Manjhi, Sangita Manjhi @ Sangita Devi, Rajesh Manjhi, Bajrangi Manjhi, Prem Shankar Manjhi and Shobha Devi have been granted anticipatory bail by a co-ordinate Bench on 13.12.2019 in Cr. Misc. No.82909 of 2019. Learned counsel submitted that the petitioner no. 5 is a lady and has nothing to do with the incident.

5. Learned APP submitted that the petitioner no.1 is the main person, who was the husband of the local Mukhiya, and his brothers i.e. petitioners no. 2, 3 and 4 were alleged to be dealing in liquor and when the police went to the house, they had managed to call other villagers, who had assaulted the police and prevented them from conducting raid in the house of the petitioners. It was further submitted that the conduct of the petitioners, who have been identified and named, is serious as they have prevented the police from taking action in a matter where there was allegation of storage of illicit liquor which is



crime in the State of Bihar after coming into force of prohibition. It was further submitted that such act is a sign of defiance of public authority and has to be viewed seriously.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners no. 1, 2, 3 and 4 on anticipatory bail.

7. Accordingly, the application on their behalf stands dismissed.

8. However, with regard to petitioner no. 5 (Patiya Devi), in the event of her arrest or surrender before the Court below within four weeks from today, she be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 8th Additional Chief Judicial Magistrate, Motihari, East Champaran, in Patahi PS Case No.312 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that she shall not indulge in any criminal activity. Any



violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

