

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86852 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- PALIGANJ District- Patna

=====

Ganauri Manjhi S/o Late Dewan Manjhi Resident of Village- Dariyapur,
Anant Banglappar, P.S.- Paliganj, Dist- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Manish Kumar No. 2, learned counsel
for the petitioner and Mr. Uma Shankar Prasad Singh, learned
APP for the State.

The petitioner is languishing in custody since
10.06.2019 in a case registered for the offences punishable
under Sections 341, 323, 307 and 504/34 of the Indian Penal
Code, hence, the prayer for bail has been made through the
present application.

The prosecution case, as per the written report of
Dharmendra Manjhi submitted to the Station House Officer,
Paliganj Police Station, is to the effect that on 09.06.2019 at
8.00 P.M., the informant along with his father was sitting at his



door, in the meantime, Ganauri Manjhi, the petitioner and co-accused Vijay Manjhi came armed with lathi, danda and assaulted on the head of the father of the informant, as a result, he got unconscious and when the informant came out from the house, then the accused persons abused and assaulted the informant also.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general. The investigation has already been concluded and petitioner is accused in one another case in which, he is on bail. It is further submitted that the learned Additional Sessions Judge-I, Danapur has wrongly recorded in the last paragraph of the impugned order that the bail petition of the petitioner in the instant case is not maintainable. The accusation is specific against the petitioner and co-accused Vijay Manjhi to have assaulted the father of the informant, but the injury report of the father of the informant suggests one lacerated wound on right side of the skull, marginal in size, skin deep whereas the other injury is swelling marginal size but both the injuries have been found superficial simple in nature.

Learned APP for the State submits that the accusation of assault is specific against the petitioner.



Considering the nature of accusation, the corresponding injuries have been found superficial simple in nature and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sub Divisional Chief Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S. Case No. 196 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sub Divisional Chief Judicial Magistrate, Danapur, Patna in connection with Paliganj P.S. Case No. 196 of 2019.



The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

DKS/-

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

