

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14334 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Laxman Manjhi, aged about 30 years, Male, son of Late Sheo Mangal Manjhi
 2. Prabhu Manjhi, aged about 35 years, Male, son of Late Vasudeo Manjhi
 3. Shambhu Manjhi, aged about 34 years, Male, son of Late Vasdeo Manjhi
 4. Prabha Devi, aged about 26 years, Female, wife of Shambhu Manjhi
 5. Rambhu Manjhi, aged about 25 years, Male, son of Late Vasudeo Manjhi
 6. Bedami Devi, aged about 32 years, Female, wife of Prabhu Manjhi
 7. Sobha Devi, aged about 28 years, Female, wife of Laxman Manjhi
 8. Manju Devi, aged about 24 years, Female, wife of Rambhu Manjhi

All are the resident of Purshottampur, P.S.- Purshottampur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners and Mr. Jharkhandi Upadhyay, learned
Additional Public Prosecutor (hereinafter referred to as the ‘APP’)
for the State.



3. Learned counsel for the petitioners submitted that the application on behalf of petitioner no. 5 namely, Rambhu Manjhi, has become infructuous and he may be permitted to withdraw the same.

4. In view thereof, the application on behalf of petitioner no. 5 namely, Rambhu Manjhi, stands disposed off a withdrawn and is now restricted to petitioners no. 1, 2, 3, 4, 6, 7, and 8 namely, Laxman Manjhi; Prabhu Manjhi; Shambhu Manjhi; Prabha Devi; Bedami Devi; Sobha Devi and Manju Devi, respectively.

5. The petitioners apprehend arrest in connection with Purushottampur PS Case No. 03 of 2020 dated 08.01.2020, instituted under Sections 147, 149, 341, 323, 307, 337, 338, 353, 186 of the Indian Penal Code and 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

6. As per the FIR, when police had gone to raid the house of Ekarathi Manjhi on secret information, the said accused seeing the police had fled away but from his house 4.5 litres of illegal liquor was recovered and it is alleged that he organized the villagers to oppose the police action in which the petitioners have been identified.



7. Learned counsel for the petitioners submitted that there was no occasion for the police to recognize the petitioners at night and further that the police, to cover-up their lapses as they could not arrest the only accused Ekarathi Manjhi, they have cooked up this false story. Learned counsel submitted that there is no injury caused to any police party or loss of public property and that the petitioners have no criminal antecedent. Learned counsel submitted that though there is allegation of there being injury caused near the right side of the eye of the informant who is a Sub Inspector of Police, it is just a bald allegation as there is no injury report in support thereof.

8. Learned APP submitted that the petitioners were part of the mob which was protesting police action against Ekarathi Manjhi and was also pelting brickbats and stones.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1 namely, Laxman Manjhi; petitioner no. 2 namely, Prabhu Manjhi; petitioner no. 3 namely, Shambhu Manjhi; petitioner no. 4 namely, Prabha Devi; petitioner no. 6 namely, Bedami Devi; petitioner no. 7 namely, Sobha Devi and petitioner no. 8 namely, Manju Devi be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in Purushottampur PS Case No. 03 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the said petitioners, (ii) that the said petitioners and the bailors shall execute bond with regard to good behaviour of the said petitioners, and (iii) that the said petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The said petitioners 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 their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the said petitioners, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the concerned petitioners.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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