

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25998 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- PARAIYA District- Gaya

1. Rajbali Manjhi @ Banta Manjhi, S/o Chandradev Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.
2. Ramdev Manjhi, S/o Chandradev Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.
3. Rambali Manjhi, S/o Chandradev Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.
4. Nanka Manjhi @ Nanhak Manjhi, S/o Chandradev Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.
5. Jhapas Manjhi, S/o Late Sukhlal Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.
6. Lala Manjhi, S/o Ramdev Manjhi, Resident of Village-Naua Bigha, P.S-Paraiya, District-Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-02-2021 Heard learned counsel for the petitioners and Mr.
Md. Fahimuddin, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Paraiya P.S. Case No. 18 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 224, 225, 307, 332, 333, 353 and 379 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.



Learned counsel for the petitioners submits that as per the prosecution story, while the informant with police force was on way after arresting the accused Kailu Manjhi for recovery of illicit liquour, 17 named and 25-30 unknown persons attacked on the Police personnel resulting the apprehended accused Kailu Manjhi managed to escape. It is alleged that accused Rupesh Manjhi assaulted the informant on his head by Khanti which caused bleeding injury.

Learned counsel submits that no specific allegation alleged against the petitioners and the petitioners have been named on the basis of information received from the local persons. The petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is submitted that no illicit liquour has been recovered from the possession of the petitioners, there is no specific allegation of assault against them and the petitioners are named among the 17 persons along with other unknown 25-30 persons who had allegedly assembled and indulged in causing assault, there being no specific allegation against these petitioners and their names have transpired on the basis of so-



called information received from the local persons, otherwise the petitioners have got no criminal antecedent, let the petitioners above-named, in the event of their arrest or surrender within a period of four weeks from today in connection with Paraiya P.S. Case No. 18 of 2020 shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

