

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37794 of 2021**

Arising Out of PS. Case No.-623 Year-2018 Thana- BARACHATTI District- Gaya

1. KAILU PASWAN @ KAILASH PASWAN S/O LATE DASHRATH PASWAN R/O VILLAGE-GANGAWAR, PS BARACHATTI, DISTRICT-GAYA
2. GAURI SHANKAR MANJHI S/O RAM BILASH MANJHI R/O VILLAGE-GANGAWAR, PS BARACHATTI, DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Adv.  
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      08-12-2021                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Barachatti P.S. Case No. 623 of 2018 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code.

Altogether 10 named accused persons alleged to have assaulted the informant his brother.

Learned counsel appearing for the petitioners



submits that the petitioners are innocent and have falsely been implicated in this case. In fact, there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. As matter of fact, the injuries sustained by the informant side are opined to be simple in nature, which is evident from Annexure-2 series. Moreover, the co-accused, namely, Ankaj Kumar and Uday Manjhi along with Kaleshwar Manjhi @ Kaleshar Manjhi having more or less similar allegations, have already been granted bail by a co-ordinate Bench of this Court vide order dated 15.10.2020 and 08.05.2019 passed in Cr. Misc. No. 25984 of 2020 and Cr. Misc. No. 22978 of 2019, respectively. The petitioners are rotting in judicial custody since 25.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners 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 A.C.J.M.- Sherghati, Gaya in connection with Barachatti P.S. Case No. 623 of 2018 with the following



conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 his 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.

**(Rajesh Kumar Verma, J)**

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