

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27929 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. MANOJ MANJHI S/o Late Sonu Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 2. Rambilash Manjhi S/o Rambriksha Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 3. Prem Sao @ Prem Manjhi S/o Babulal Sao @ Tapsi Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 4. Sunaina Devi W/o Manoj Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 5. Pramod Manjhi S/o Pamful Manjhi @ Pampoliya Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 6. Maya Devi @ Rita Devi W/o Manoj Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 7. Vijay Manjhi @ Jitan Manjhi S/o Sri Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 8. Suraj Manjhi @ Suraj Kumar S/o Rambilash Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.
 9. Baleshwar Manjhi @ Bhagat S/o Maheshwar Manjhi @ Mahesh Manjhi Resident of Village-Kaler Bhuintoli, P.S.-Magadh Medical, District-Gaya.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Vinod Kumar, Advocate.
For the State	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 26-04-2021 Heard learned counsel for the petitioners and the learned
A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with
Magadh Medical P.S. Case No.87 of 2020 registered under Sections
147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code



besides Sections 3/4 of the Dain Act.

The accusation is that on 06.05.2020 at about 11.00 A.M., the informant Kamdeo Manjhi was at his house. At that time, the petitioners along with 10 unknown, while abusing and causing assault to Manjari Devi, the neighbour of the informant, carried her and asked the informant that before 15-20 days, they had practiced witchcraft on the daughter of Manoj Manjhi, due to that reason, the daughter of Manoj Manjhi died due to drowning. When the informant and Manjari Devi asked them that they had not practiced witchcraft on the daughter of Manoj Manjhi, then all started to beat Manjari Devi and the informant and tied the informant and Manjari Devi with Pipal tree and started to cause assault them by pelting bricks, stones, lathi and danda, due to which the informant sustained injury at his left ear and other parts of the body. Manjari Devi also sustained injury on her left hand.

Learned counsel for the petitioners submits that, in fact, due to scuffle and quarrel in between the children of both the parties, the present occurrence took place in which the informant and Manjari Devi fell down and sustained injuries but with an ulterior motive, the informant has lodged the present case. Further submission is that while it is alleged in the F.I.R. that the petitioners and 10 unknown caused assault to the informant and Manjari Devi but only four injuries were found on the person of the informant and the opinion regarding the nature of the injuries were kept reserved by the doctor



till receiving of the X-ray report but it would appear from paragraph-37 of the case diary that the X-ray report was not produced before the doctor, due to that reason the doctor himself could not be able to give definite opinion regarding the nature of the injury as sustained by the informant. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Gaya, in connection with Magadh Medical P.S. Case No.87 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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