

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36572 of 2020

Arising Out of PS Case No.-177 Year-2019 Thana- BHAGWANPUR HAT District- Siwan

1. Ranjan Kumar @ Ranjan Manjhi @ Rajan Manjhi, aged about 20 years, Gender-Male, Son of Nagendra Manjhi.
2. Nagendra Manjhi, aged about 45 years, Gender-Male, Son of Late Hira Manjhi.
Both are resident of Village- Mahna, Police Station- Bhagwanpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar, learned counsel for the petitioners and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Bhagwanpur Hat PS Case No. 177 of 2019 dated 28.08.2019, instituted under Sections 341, 323, 324, 307, 354, 379 and 504/34 of the Indian Penal Code.

4. The allegation against the petitioners is that the informant, who is the niece of petitioner no. 2 and her mother, were assaulted by the petitioner no. 2 and his son petitioner no. 1.



5. Learned counsel for the petitioners submitted that the parties are close family members, being agnates and even the genesis is not clear, inasmuch as, it has not been stated what the petitioners were talking among themselves against the informant, and it is alleged that when they were confronted as to why they were doing so, they had assaulted the informant and her mother, but the fact is that due to land dispute, this false case has been filed. It was submitted that the allegation against petitioner no. 2 is general and omnibus of assault after the informant was assaulted by petitioner no. 1 and thereafter again it is general and omnibus with regard to assault on the mother of the informant. However, it was submitted that only the injury report of the informant is on record, copy of which he has also annexed as Annexure-2, which shows that there was one lacerated wound at the back of the head and tenderness on the left shoulder, both by hard and blunt substance and simple in nature, but with regard to the mother of informant, there is no injury report and further that such assault, as per the FIR itself, is attributed to petitioner no. 1. It was submitted that the petitioners have no criminal antecedent. Learned counsel for the petitioners took a categorical stand that no injury report with regard to the mother of the informant has been produced before the police or is on record.



6. Learned APP submitted that the petitioners being closely related to the informant, having assaulted the minor child and her mother shows their conduct and, thus, they do not deserve the privilege of anticipatory bail.

7. 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. 2 namely, Nagendra Manjhi be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Siwan in Bhagwanpur Hat PS Case No. 177 of 2019, 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 petitioner no. 2, (ii) that the petitioner no. 2 and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner no. 2 and (iii) that the petitioner no. 2 shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of his bail bonds.



8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 2.

9. Prayer for pre-arrest bail on behalf of petitioner no. 1, namely Ranjan Kumar @ Ranjan Manjhi @ Rajan Manjhi, stands rejected.

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

11. However, in view of submission of learned counsel for the petitioners, it is observed that if the petitioner no. 1 appears before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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