

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2167 of 2021**

Arising Out of PS. Case No.-89 Year-2020 Thana- DURAULI District- Siwan

RAJENDRA MANJHI, Son of Nathuni Manjhi, Resident of Village -
Chakari, P.S.- Darauli, Dist.- Siwan. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.
For the Informant : Mr. Parth Gaurav, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Darauli P.S. Case No. 89 of 2020 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504,506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that as per prosecution story there was a quarrel between the prosecution and the petitioner's side on fishing of a pond. In the said quarrel altogether eight named accused persons allegedly lashed with



lathi, farsa and iron rod surrounded the informant and his brother when they were going on their motorcycle towards their home. It is alleged that co-accused Raju Manjhi assaulted on the head of the informant by a farsa with an intention to kill, the informant got fractured and he fell down but thereafter the co-accused persons assaulted the informant and injured his right hand, the other co-accused assaulted his brother and cousin and the present petitioner is said to have assaulted the informant on her left hand causing fracture.

Learned counsel for the petitioner submits that later on the informant succumbed to his injury and died. It is his submission that the specific and direct allegation of causing assault on the vital part of the body which proved fatal to the informant has been made against co-accused Raju Manjhi. There is a case and counter case between the parties, both sides have caused injury to each other and so far as the present petitioner is concerned, the allegation against him is general and omnibus.

Learned counsel further submits that co-accused Kabutari Devi, Umesh Gond and Rudal Gond have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 30931 of 2020 and Cr. Misc. No. 33101 of 2020.



On the other hand, Mr. Md. Fahimuddin, learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioner. After going through the post-mortem report, learned A.P.P. for the State confirms that the fatal injury has been found on the head. The left hand has been found swollen.

Considering the facts and circumstances of the case, there being general and omnibus allegation against the petitioner and the co-accused similarly situated have been granted bail by learned coordinate Benches of this Court, the petitioner has remained in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in connection with Darauli P.S. Case No. 89 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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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'.

