

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6150 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- GURARU District- Gaya

1. Ramjeet Kumar @ Maine Manjhi, S/O Chamru Manjhi, Resident of Village-Deokali, P.S.-GURARU And District-Gaya.
2. Pawan Kumar, S/O Krishna Sao, Resident of Village-Deokali, P.S.-GURARU And District-Gaya.
3. Vishnu Kumar @ Vishnu Kant Kumar @ Vishnu Kumar Shukla, S/O Krishna Kant Shukla @ Krishna Shukla, Resident of Village-Deokali, P.S.-GURARU And District-Gaya.
4. Munna Rajak @ Munna Kumar, S/O Ramraj Rajak, Resident of Village-Deokali, P.S.-GURARU And District-Gaya.
5. Rajesh Manjhi, S/O Chandrika Manjhi @ Chnrik Manjhi, Resident of Village-Deokali, P.S.-GURARU And District-Gaya.
6. Jatun Manjhi @ Yadun Manjhi, S/O Mali Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
7. Guddun Kumar @ Guddun Mistri, S/O Karu Mistri, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
8. Mithlesh Manjhi, S/O Late Naresh Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
9. Bhuneshwar Manjhi, S/O Late Kunnu Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
10. Arjun Kumar @ Arjun Manjhi, S/O Lakhan Manjhi Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
11. Shambhu Kumar @ Pukar Manjhi, S/O Lakhan Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
12. Mithlesh Manjhi, S/O Urbil Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.
13. Sudarshan Manjhi, S/O Badhan Manjhi @ Badan Manjhi, Resident Of Village-Deokali, P.S.-GURARU And District-Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

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



2 17-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioners and Mr.Khurshid Anwar, learned A.P.P. for the State.

There are altogether 13 persons in the present case who are seeking pre-arrest bail in connection with Guraru P.S. Case No. 83 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 353, 333, 186, 337, 338, 307, 504, 506, 201 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act. Petitioners have got one criminal antecedent.

Learned counsel for the petitioners submits that on a bare perusal of the First Information Report it would appear that the Police has lodged F.I.R. against 86 named and 125 unnamed persons who had allegedly been involved in causing assault on the rival group and when the Police party wanted to intervene in order to create peace between the parties, they have indulged in assaulting the Police party.

Learned counsel for the petitioners submits that the genesis of this case lies in Guraru P.S. Case No. 81 of 2020 which was lodged by the daughter of one of the petitioners for



the offences committed by the accused persons under various provisions of the I.P.C. read with Section 8 and 12 of the POCSO Act and under the provisions of the SC/ST Act. The other side had lodged Guraru P.S. Case No. 82 of 2020 under various provisions of the I.P.C. The Police was not acting on the F.I.Rs. and ultimately both the parties seems to have indulged in free fight.

Learned counsel further submits that so far as these petitioners are concerned, their names have been picked up by Police but without any specific allegation that they were lashed with any weapon or have been found committing any overt act.

It is further submitted that these petitioners had no criminal antecedent earlier, though they have been made accused in Guraru P.S. Case No. 82 of 2020 in order to falsely implicate them because the daughter of one of the petitioners had lodged Guraru P.S. Case No. 81 of 2020.

Mr. Khurshid Anwar, learned A.P.P. for the State has though opposed the prayer for anticipatory bail of these petitioners but in the nature of the submissions noted hereinabove and on finding that there is no specific allegation against these petitioners, the allegations are against 86 named and 125 unnamed persons, under these circumstances, this Court



directs the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Sri Y.K. Shukla, learned Judicial Magistrate 1st Class, Gaya in connection with Guraru P.S. Case No. 83 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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'.

