

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7134 of 2021**

Arising Out of PS. Case No.-258 Year-2019 Thana- KAUWAKOL District- Nawada

1. SOMALIYA MANJHI ALIAS SHYAMSUNDRA MANJHI ALIAS SIYAMALI MANJHI S/O LATE DAROGI MANJHI R/O VILLAGE-KALALIYA TAR, P.S. KAWAKOLE DISTRICT NAWADAH
2. MANA MANJHI S/O JAGDISH MANJHI R/O VILLAGE-KALALIYA TAR, P.S. KAWAKOLE DISTRICT NAWADAH
3. MANU MANJHI S/O LATE DAROGI MANJHI R/O VILLAGE-KALALIYA TAR, P.S. KAWAKOLE DISTRICT NAWADAH

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

2 27-04-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking regular bail in connection with Kawakole P.S. Case No. 258 of 2019 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 3/4 of the Witch Practice Act.

As per the prosecution story, on 26.08.2019 at 9.00 PM all the FIR named accused persons including the petitioners and 4-5 unknown persons having lathi, danda, tangi and knife in their hand had entered into the house of the informant and



started abusing and beating the mother of the informant. On hulla being raised by the informant, nearby people assembled there then all the accused persons fled away. The mother of the informant was badly injured and she died on the way to the hospital.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. Learned counsel submits that there is no specific allegation against these petitioners. He submits that in the First Information Report altogether 15-16 persons have been made accused and there is a general and omnibus allegation that all of them had assaulted by lathi, danda and tangi.

Learned counsel further submits that the co-accused have been granted bail by this Court in Cr. Misc. No.2158 of 2020. It is submitted that the petitioners are in custody since 08.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case and the uncontroverted submissions of learned counsel for the petitioners that there is no specific allegation against these petitioners, in the First Information Report altogether 15-16



persons have been made accused and there is a general and omnibus allegation that all of them had assaulted by lathi, danda and tangi, co-accused have been granted bail by this Court in Cr. Misc. No. 2158 of 2020, the petitioners have remained in jail for about seven months, investigation against them is complete, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawadah, in connection with Kawakole P.S. Case No.258 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

(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'.

