

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10799 of 2021**

Arising Out of PS. Case No.-431 Year-2019 Thana- SHERGHATI District- Gaya

1. Gauri Devi, W/O Dinesh Manjhi
2. Dinesh Manjhi, son of late Balki Manjhi
Both R/O Village Dariyora, P.S-Dobhi, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

3 21-08-2021 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 counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Sherghati (Dobhi) P.S. Case No.431/2019 registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are general and omnibus kind of allegations in the First Information Report against the petitioners. It is alleged that three accused named in the FIR came in the house of the informant and started assaulting them by iron rod and Danda. It is further alleged

that when his wife came to save him all the three accused assaulted her and got her injured. On this, when his two sons and daughter-in-law came to save them, they were also assaulted. The Informant claims that his younger son Rahul Kumar has sustained serious injury.

Learned counsel for the petitioners submits that the allegations are false, concocted and baseless and it is a case of over implication of the accused. The FIR was lodged after four days of the alleged occurrence with an afterthought. Learned counsel further submits that the petitioners in the present case have got no criminal antecedent, investigation against them is complete but the trial is not likely to take place in near future.

Mr. Fahimuddin, learned APP for the State has received the case diary and after going through the same he informs this Court that in the case diary there is no injury report of the informant. The injury report of the younger son Rahul Kumar shows no visible injury has been found and in the opinion part it is recorded-simple in nature. So far as the deceased is concerned, two injuries have been seen on her body.

Considering the facts and circumstances of the case, there being general and omnibus allegations against the petitioners and only two injuries have been allegedly found on the body of the deceased whereas the allegations are that all the three had

assaulted by iron rod and lathi, no injury has been found on the body of the younger son of the informant and there is no other injury report to the notice of this Court, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No.431/2019, subject to the condition as laid down under Section 437 (3) 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)

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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'.