

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6241 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- AMARPUR District- Banka

1. BIHARI MANJHI @ BIHARI KUMAR @ BIHARI KUMAR MANJHI,
S/o Vijay Manjhi R/o village- Ballikita, P.S.- Amarpur, District- Banka
2. Vijay Manjhi, S/o Late Bocho Manjhi R/o village- Ballikita, P.S.- Amarpur,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Amarpur P.S. Case No. 106 of 2021, registered for the

offences punishable under Sections 302 and 34 of the Indian

Penal Code.

As per allegation, the petitioners and their

associate assaulted the husband of the informant on his

head by back side of a spade, due to which the victim died.

The learned counsel for the petitioner no. 2

submits that there is no direct allegation against the



petitioner no. 2, namely, Vijay Manjhi, to assault the deceased. He further submits that one of the similarly situated co-accused, namely, Muso Manjhi, has already been granted bail by a Bench of this Court *vide* order dated 14.12.2021, passed in Cr. Misc. No. 44233 of 2021, on account of the fact that there is no direct allegation of assault against him.

It is also stated in paragraph no. 2 of the petition that the petitioner no. 2 has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner no. 2 has no criminal antecedents.

The petitioner no. 2 is in custody since 24.02.2021.

Learned APP for the State has opposed the prayer for bail. However, with regard to petitioner no. 2, he fairly concedes that similarly situated co-accused has already been granted bail by a Bench of this Court.

Considering the fact that similarly situated co-accused has been granted bail by a Bench of this Court



earlier, the petitioner no. 2, namely, Vijay Manjhi, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 106 of 2021 on the following conditions:

(i) The petitioner no. 2 will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner no. 2 will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner no. 2 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.

(iv) In case, it is brought to the notice of the court below that the petitioner no. 2 has any criminal antecedent,



the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner no. 2.

In regard to the petitioner no. 1, learned counsel for the petitioner fairly concedes that there is direct allegation of assault by the petitioner no. 1, namely, Bihari Manjhi, against the victim, who died on account of the injury caused by him.

Learned APP for the State has vehemently opposed the prayer for bail of petitioner no. 1 against whom there is direct allegation of assault.

Hence, considering the fact that there is direct allegation of assault by the petitioner no. 1 against the victim, I am not persuaded to enlarge him on bail at this stage.



The prayer for bail of petitioner no. 1 is rejected accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

The application stands disposed off, accordingly.

(Jitendra Kumar, J)

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