

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20367 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- SIRDALA District- Nawada

1. Deepak Manjhi, aged about 28 years, (Male), Son Of Chando Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
2. Malo Devi, aged about 45 years, (Female), Wife Of Chandan Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
3. Gopal Manjhi, aged about 50 years, (Male), Son Of Mangru Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
4. Rubi Devi, aged about 38 years, (Female), Wife Of Lembo Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
5. Lembo Manjhi, aged about 45 years, (Male), Son Of Choudhary Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
6. Jatan Manjhi @ Chandan Manjhi @ Jatan Kumar Manjhi, aged about 30 years, (Male), Son Of Shivam Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
7. Urmila Devi, aged about 45 years, (Female), Wife Of Rajkumar Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
8. Rajkumar Manjhi, aged about 29 years, (Male), Son Of Babulal Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
9. Golu Manjhi, aged about 25 years, (Male), Son Of Babulal Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
10. Basanti Devi, aged about 24 years, (Female), Wife Of Rajkumar Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.
11. Neera Devi, aged about 45 years, (Female), Wife Of Gopal Manjhi, Resident Of Village- Bairiyadih P.S.- Sirdlla, District- Nawada.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party	:	Mr. Nityanand Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.



Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no. 1, namely, Deepak Manjhi and petitioner no. 5, namely, Lembo Manjhi as they have been taken into judicial custody in connection with Sirdalla P.S. Case No. 352 of 2019 pending in the court of learned A.C.J.M. Ist, Nawada.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Deepak Manjhi and petitioner no. 5, namely, Lembo Manjhi is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 2, 3, 4, 6, 7, 8, 9, 10 and 11 and learned counsel for the State through Virtual mode.

Now, the petitioner nos. 2, 3, 4, 6, 7, 8, 9, 10 and 11 are apprehending their arrest in connection with Sirdalla P.S. Case No. 352 of 2019 for the offence registered under Sections 147, 148, 149, 323, 325, 307 and 353 of the I.P.C.

The prosecution story, in brief, is that on 04.08.2019



at about 12.00 P.M., the informant alongwith other police forces were on patrolling in Sirdalla Market and got information that one Amin of Village-Bairiyadih, namely, Jitendra Kumar, was beaten by various persons. Then after giving information to higher officials he went to Bairiyadih at about 12.40 P.M., and seen that some persons were beating the Amin for the reason of dispute of measurement of land. With the help of police party the Amin was saved. Then suddenly various persons present there started restricting the government officials in discharging of their duty. When the informant told them not to restrict them then all accused persons started throwing stones on them and also beaten the driver of the police vehicle by stick. The driver was injured. During treatment, it was known that his hand was broken. Other police personnel were also injured.

It has been submitted by learned counsel for the petitioner nos. 2, 3, 4, 6, 7, 8, 9, 10 and 11 that they have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The petitioner nos. 2, 4, 7, 10 and 11 are ladies. General and omnibus allegation has been made against them. No specific overt act is alleged against them. Altogether 12 named persons alongwith 20-25 unknown have been made accused in this case.



On behalf of the State, it is submitted that the petitioner nos. 2, 3, 4, 6, 7, 8, 9, 10 and 11 are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, let the petitioners, above named, (except petitioner no. 1, namely, Deepak Manjhi and petitioner no. 5, namely, Lembo Manjhi), in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned A.C.J.M.-Ist, Nawada, in connection with Sirdalla P.S. Case No. 352 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 2, 3, 4, 6, 7, 8, 9, 10 and 11 shall furnish bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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