

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10809 of 2022

Arising Out of PS. Case No.-148 Year-2020 Thana- PANAPUR District- Saran

1. KRISHNA MANJHI @ SRIKRISHNA MANJHI S/o Sonful Manjhi R/o village- Dhenuki, P.S.- Panapur, District- Saran at Chapra
2. Shailesh Manjhi @ Shalesh Manjhi S/o Krishna Manjhi @ Srikrishna Manjhi R/o village- Dhenuki, P.S.- Panapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 354(B), 379, 436, 504 and 506 of the Indian Penal Code.

The informant alleges that he used to forbade Bachera Manjhi from flowing drainage water on his land, it is next alleged that on 30.09.2020 at 2:00 pm, four accused persons came variously armed and started digging informant's land and further threatened to lodge a case under the Harijan Act and of setting fire if opposed. It is alleged that when the informant



protested, the accused started abusing and 11 other accused, including the petitioners, came variously armed and petitioner no.1 gave orders to kill on which all the accused assaulted the informant and when his wife and relatives intervened, they were also abused and assaulted. Further allegation is that petitioner no.1 assaulted with rod on head of Chandeshwar Rai causing injury, Sunil Manjhi assaulted the informant with *fasuli* causing cut injury on his finger and fractured his hand, Bacha Manjhi assaulted Daroga Rai with *farsa* causing head injury, Sunil Manji assaulted Daroga Rai with *lathi* fracturing his right hand. It is thereafter alleged that all the accused assaulted Surendra Rai, further Nagendra Manjhi assaulted Surendra Rai with sword causing injury on his head and thereafter petitioner no.1 set the hut of the informant on fire including his own hut, thereafter Sunil Manjhi and Mukesh Manjhi caught informant's wife by hair and disrobed her and snatched her gold locket.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that admittedly there is a delay of three days in instituting the F.I.R. without any plausible explanation, the injuries of the injured are simple in nature except one which is on non-vital part of the



body of Chandeswar Rai. Learned counsel further submits that it absolutely does not stand to reason that when the accused came to the house of the informant in such large number and the occurrence took place then how the informant with such precision and certainty has alleged that which accused was carrying what weapon and whom he assaulted and where, learned counsel thus submits that the delay of three days in instituting the F.I.R. was utilized for implicating the petitioners by alleging allegations with precision. It is further submitted by the learned counsel for the petitioners that admittedly on a trivial dispute i.e., flowing of drainage water, the present occurrence took place, it is also submitted that from the side of the petitioners Panapur P.S. Case No.149 of 2020 was instituted and from the side of the petitioners also injured suffered injuries as would be evident from Annexure '7' series to the anticipatory bail application.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that there was a delay of three days in instituting the F.I.R. and also that a case from the side of the petitioners was instituted in which the injured have suffered



injury.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Panapur P.S. Case No. 148 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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