

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18998 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- PARASBIGHA District- Jehanabad

PRAMOD KUMAR @ CHOBHAN MUKHIYA Son of Late Nathun Mahto
Resident of Village - Hirawan Bigaha, P.S. Parasbigha, District - Jehanabad.
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-07-2022 The present matter has been listed under the heading :

To Be Mentioned” on the basis of motion slip filed on behalf of

the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Parasbigha P.S. Case No. 125/2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 337, 338,
353, 334, 307, 304, 504, 506, 427, 333 of the Indian Penal Code
and Section 27 of the Arms Act and Section 3 of Damage of
Public Property Act.

As per prosecution case, one under-trial prisoner
Govind Manjhi of village-Sarta Mushari died in Sub-Jail,



Daudnagar, Aurangabad. On this, the people of village Sarta Mushari, Nehalpur Mushari and the people from the surrounding areas blocked NH-110 and they were very aggressive. It is stated in the FIR that when the police party reached there, about 200-250 persons were burning tyres and were protesting violently taking lathi, danda and rod in their hand. They were not ready to remove the blockade from the road. It is then stated that when the crowd became very aggressive and started throwing bricks on the police party, about 13 police personnel got injured who have been treated in the Primary Health Centre at Ratni Faridpur. Since the crowd were throwing stones and were damaging the police vehicles, while trying to flee away one woman Hawaldar fell down and one unknown vehicle crushed her. It is alleged that from the information received through local sources and video footage received from different sources, 51 named and 200 unknown persons have been identified. The police personnel fired from INSAS rifle and one police constable fired three rounds whereafter the crowd were disbursed.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR, his name has been



surfaced in this case on the basis of confessional statement of co-accused Banwari Manjhi and Vijay Kumar as mentioned in paras 20, 22 & 23 of the case diary, except this confessional statement there is nothing on record to demonstrate the participation of present petitioner to the alleged occurrence. He further submits that the petitioner was not armed with any deadly weapon and it is also false to say that the petitioner was exonerating the mob. The petitioner is languishing in custody since 27.02.2022 and bears no criminal antecedent, however once a proceeding under Section 107 Cr.P.C. was initiated against the petitioner which has been dropped, so there is an error in impugned order due to slip of pen. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Dudheshwar Manjhi has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.64857/2021 and another co-accused, Nageshwar Manjhi and others have also been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.68982/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Jehanabad in connection with Parasbigha P.S. Case No. 125/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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