

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29844 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- PARAIYA District- Gaya

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1. USHA DEVI W/O CHANDAN MANJHI Resident of Village - Naua Bigha, P.S.- Paraiya, Distt.- Gaya, Bihar.
 2. Manti Devi W/o Rameshar Manjhi Resident of Village - Naua Bigha, P.S.- Paraiya, Distt.- Gaya, Bihar.
 3. Rajniti Manjhi Son of Chandan Manjhi Resident of Village - Naua Bigha, P.S.- Paraiya, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that petitioner No.3 has been taken into custody, therefore, he seeks permission to withdraw this application with regard to petitioner No.3 only as the same has become now infructuous.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 224, 225, 307, 332, 333, 353 and 379 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The petitioners along with their associates are said to



have assaulted the prosecution party and it is said that altogether 30 Kg of Jaggery and 30 liters of Desi Mahua are said to have been recovered.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, is innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them rather the petitioners are said to be member of mob. He, however, further submits that it appears from the seizure list, nothing has been recovered from the conscious possession of the petitioners. He further submits that similarly situated accused, namely, Rajbali Manhi @ Banta Manjhi has already been granted the privilege of anticipatory bail vide order dated 17.06.2020 passed in Cr. Misc. No. 25998 of 2020. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in



connection with Paraiya P.S. Case No. 18 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioner shall co-operate in the investigation and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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