

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22473 of 2022**

Arising Out of PS. Case No.-226 Year-2020 Thana- BELAGANJ District- Gaya

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1. RAKESH MANJHI SON OF SURENDRA MANJHI R/O- VILLAGE-BHINDASPUR TOLA SARAIYA P.S.- BELAGANJ, DISTRICT- GAYA
  2. BITANI MANJHI SON OF KAMESHWAR MANJHI R/O- VILLAGE-BHINDASPUR TOLA SARAIYA P.S.- BELAGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shams Alam, Advocate  
For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      07-11-2022              Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1, namely, Rakesh Manjhi.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 302 and 307 of the Indian Penal Code and Sections 3 and 4 of the Witch Craft Act.

Learned counsel for the petitioner no. 2 submits that



petitioner no. 2 is a person with clean antecedent.

The informant alleges that accused persons assaulted her mother-in-law on the pretext that she is a witch and on account of assault she died. It is alleged that when her father-in-law intervened, he was also assaulted and was taken to the hospital for treatment.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 has been falsely implicated in the present case. It is further submitted that petitioner no. 2 is not named in the FIR and the allegation of assault is general and omnibus in nature. It is next submitted that similarly situated co-accused Kameshwar Manjhi and six others have been granted regular bail by order dated 06.09.2021 in Cr. Misc. No. 20278 of 2021. It is also submitted that Rekha Devi was also granted regular bail by order dated 15.11.2021 in Cr. Misc. No. 19661 of 2021. It is further submitted that name of the petitioner transpired during the course of investigation, two months after the institution of the FIR. It is next submitted that co-accused persons, who have been granted regular bail, were named in the FIR and the petitioner is not named in the FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his 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) 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 Belaganj P.S. Case No. 226 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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