

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28744 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATORIYA District- Banka

Shambhu Sharan Manjhi Son Of Mahendra Manjhi Resident Of Village - Goa Bakhar, P.S. And District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36078 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KATORIYA District- Banka

Ashwini Manjhi S/O Mahendra Manjhi Resident Of Village- Goa Bakhar, P.O.- Domuhan, P.S.- And District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28744 of 2022)

For the Petitioner/s : Mr. Shrinandan Prasad. Singh, Sr. Advocate.

For the Informant : Mr. Y. C. Verma, Sr. Advocate.

For the Opposite Party/s : Mr. Sangeeta Sharma, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 36078 of 2022)

For the Petitioner/s : Mr. Kumar Sameer, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 20-09-2022 Learned counsel for the petitioners are permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shrinandan Prasad Singh, learned senior counsel duly assisted by Mr. Kumar Sameer, learned counsel for the petitioners, Mr. Y. C. Verma, learned senior counsel for the



informant as well as learned Additional Public Prosecutor for the State.

Both the matters arise out of the same P.S. Case and as such, with the consent of the both the parties, the matters are being heard together and disposed of by this common order.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Katoria P. S. Case No. 89 of 2022 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3, 4 and 5 of the Explosive Substance Act.

The prosecution case is based on the *fardbayan* of the informant, alleging therein that on 21.03.2022, while the father of the informant coming on his Scorpio car and when he reached near Ayushman Bharat Primary Health Center, in the meantime, accused persons, namely, Rajeev Ranjan, Mukesh Yadav, Mithlesh @ Bhusho Yadav, Kailash Yadav and Rahul Paswan surrounded him and started indiscriminate firing and threw bomb upon him causing his death. It is also alleged that the reasons behind the said occurrence is said to be prior animosity and election dispute with co-accused Mahendra Manjhi and his two sons, who are petitioners before this court. It



is further alleged that two week ago, the accused persons also threatened the father of the informant with dire consequences.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are said to be conspirators of the said crime, and they on account of prior animosity and election dispute have got the occurrence done. It is also submitted that the deceased in fact, was a man having criminal antecedent and he might have been killed by other persons but only because of prior animosity, their names have been implicated in this case and save and except the suspicion, there is no material showing the complicity of the petitioners. It is further submitted that so far the petitioners are concerned, they have been found involved in 3 and 4 criminal cases respectively, however, the petitioners are on bail in all the cases except one case i.e. in connection with Banka P. S. Case No. 151 of 2021. It is next submitted that during the course of investigation, no material has come suggesting the complicity of the petitioner and moreover, after completion of the investigation, charge sheet has been submitted much earlier. It is last submitted that the petitioners are in custody since 24.03.2022 and 19.04.2022 respectively.

On the other hand, Mr. Y. C. Verma, learned senior



counsel for the informant vehemently opposes the bail application and submits that the petitioners are said to be conspirators and in fact, they are persons, who by hatching conspiracy, committed murder of the father of the informant.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that save and except the allegation of the petitioners being conspirators that too on account of previous animosity and election dispute, there is no other material showing the complicity of the petitioners and moreover, investigation of the crime is already completed, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, District- Banka in connection with Katoria P. S. Case No. 89 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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.

(Harish Kumar, J)

shakir/-

U			
---	--	--	--

