

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40800 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- JANTA BAZAR District- Saran

CHHOTELAL MANJHI S/o Bachan Manjhi R/o village- Basahi, P.S.- Janta
Bazar, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Adv.
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, APP
For the informant	:	Mr. Rananjay Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Janta Bazar P.S. Case No. 65 of 2020 registered for the offence under Sections 148, 149, 323, 324, 325, 379, 376 and 511 of the Indian Penal Code.

The informant is said to have been assaulted by lathi, danda and fists by the F.I.R. named accused persons. It is also alleged that the accused persons including the petitioner tried to commit rape upon her.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that it is apparent from the F.I.R. itself that there is general and omnibus allegation against the petitioner rather the specific allegation of attempt to commit rape upon the informant is attributed to the co-accused, Munna Manjhi and Rajesh Manjhi. He further submits that it is very much strange that two dead persons, namely, Tulsi Sharma and Shyam Shaker Thakur who died eight years before the alleged occurrence have been made charge-sheet witnesses in this case which itself is sufficient to falsify the prosecution version. The petitioner is rotting in judicial custody since 09.09.2020.

Learned A.P.P. for the State as well as the learned counsel for the informant has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vth Saran at Chapra in connection with Janta Bazar P.S. Case No. 65 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial 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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