

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35234 of 2022

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

Kamlesh Manjhi Son of Madan Manjhi, Resident of Village- Bhindaspur Tola
Saraiya, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shams Alam

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 302, 307
of the Indian Penal Code and Section 3/4 Daain Act.

According to prosecution case, on the basis of written
statement of the informant namely Sarasvati Devi alleging
therein that on 29.07.2020, after planting paddy, when her
mother-in-law was returning to her house, in the way some
F.I.R. named accused persons in the matter of Daain all accused
persons assaulted her mother-in-law by means of lathi-danda
due to which her mother-in-law became died on that place and



also beaten my father-in-law who is under the treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is nothing specific allegation against the petitioner and co-accused person. He further submits that similarly situated, co-accused, namely, Kamlesh Manjhi has been granted bail by this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 65406 of 2021. The petitioner is in custody since 13.08.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Belaganj P.S. Case No. 226 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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