

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45969 of 2021

Arising Out of PS. Case No.-377 Year-2019 Thana- BARACHATTI District- Gaya

-
1. Niru Manjhi S/O Late Pity Manjhi R/O Village- Sarsoabad, P.S.- Barachatti, District- Gaya
 2. Khiru Manjhi S/O Late Pity Manjhi R/O Village- Sarsoabad, P.S.- Barachatti, District- Gaya

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019 registered for the offences punishable under Sections 341, 323, 448, 307, 379, 427, 504, 506, 34 of the Indian Penal Code and later on Section 302 IPC was also added. They have no criminal antecedent and have remained in custody in connection with this case since 17.04.2021.

Learned counsel for the petitioners submits that the



present case has been lodged by one Sangeeta Devi who has alleged that while she was working as Aganwadi Sevika in the Aganwadi Centre, a scuffle took place with one Niru Manjhi, the dispute was settled between the parties but later on her co-villagers Saryu Ravidas and Dilip Ravidas indulged in *marpit* then on hearing the sound when she reached there, she saw that Rakesh Ravidas and Kapil Ravidas were in support of Saryu Ravidas and they reached there and assaulted Dilip Ravidas then Dilip Ravidas also assaulted by wooden piece on the head of Rakesh Ravidas due to which he fell down then Raju Ravidas, sister Sunaina Devi, Behnoi Rajesh Ravidas, Gauri Devi, Arti Devi, Niru Manjhi and other named accused came assaulted to Dilip Ravidas and from the side of Dilip Ravidas, Savita Devi, Gyanti Devi, Kiran Devi and others came and they tried to rescue him.

Learned counsel submits that the allegations against the petitioners are general and omnibus to the extent that after the assault received from Dilip Ravidas by a wooden piece, the victim Rakesh Ravidas fell down and then all the co-accused named therein assaulted him.

Learned counsel further submits that that the *post-mortem* report of the deceased does not show multiple injuries



and some of the co-accused have been granted regular bail by learned Co-ordinate Benches of this Court as well as by this Court in Cr. Misc. No. 23148 of 2021 and Cr. Misc. No. 40717 of 2021. The case of this petitioners is similarly situated with the co-accused who have been granted granted regular bail by this Court.

Learned APP for the State has opposed the prayer for regular bail of the petitioners but has admitted that the case of the petitioners stands on similar footing with that of the co-accused Rajesh Ravidas who has been granted bail by this Court in Cr. Misc. No. 40717 of 2021.

Considering the facts and circumstances and that there is no specific allegation against the petitioners, the thrust of the allegations seem to be against Dilip Ravidas who was allegedly assaulted by the co-accused Rakesh Ravidas and Kapil Ravidas who were supporting Saryu Ravidas and in retaliation the said Dilip Ravidas is said to have assaulted the victim Rakesh Ravidas by a wooden piece on his head and further considering that the petitioners have remained in custody for about 10 months, investigation against them is complete and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each



with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghatti (Gaya) in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

