

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37377 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BELAGANJ District- Gaya

1. RAJU MANJHI @ TIKKAR MANJHI SON OF RAM LAGAN MANJHI @ JHAKHAR MANJHI R/O VILLAGE AND P.O.- CHANDAUTI, P.S.- BELAGANJ, DISTT.- GAYA
2. AVINASH KUMAR SON OF ASHOK MANJHI R/O VILLAGE AND P.O.- CHANDAUTI, P.S.- BELAGANJ, DISTT.- GAYA
3. BHUSHAN MANJHI SON OF RAMJI MANJHI, SON-IN-LAW OF SHIV BALAK MANJHI R/O VILLAGE AND P.O.- CHANDAUTI, P.S.- BELAGANJ, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application only with regard to petitioner nos.1 and 2, as during pendency of this application, they have been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to petitioner nos.1 and 2 is dismissed as withdrawn.



Now this application is being heard for consideration of bail as against petitioner no.3 only.

The petitioner no.3 apprehends his arrest in a case registered for the offence punishable under sections 341/323/307/354/379/448/504/506/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons entered into the house of informant and assaulted her by means of phasuli and tried to press her neck.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that there is an inordinate delay of three days in lodging the F.I.R. The alleged offence is said to have taken place on 17.10.2021 but the F.I.R. for the same has been lodged on 20.10.2021. Such delay itself creates doubt about the prosecution case. Furthermore, the injuries are simple in nature. Petitioner no.3 has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the delay in lodging the F.I.R., let the above named petitioner no.3, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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.369 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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