

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48149 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- PIPRAKOTHI District- East Champaran

1. Govind Manjhi Son of - Joga Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.
2. Gajendra Manjhi @ Gajinder Manjhi Son of - Joga Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.
3. Rajdeo Manjhi Son of - Joga Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.
4. Chhotu Manjhi Son of - Joga Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.
5. Pundeo Manjhi @ Punyadeo Manjhi Son of - Joga Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.
6. Laloo Manjhi Son of Pachu Manjhi Resident of Village- Jhakra Balua Tola, P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Shanti Bhushan Singh, learned counsel for
the petitioners as well as learned Additional Public Prosecutor
for the State.

The petitioners apprehend their arrest in connection
with Pipra Kothi P.S.Case No. 96 of 2021 registered for the
offences punishable under Sections 384, 427, 504, 506/34 of the



Indian Penal Code.

As per prosecution case, it is alleged that prior to one month, petitioner no. 1 and 2 had demanded Rs, one lac as rangdari and threatened, if the same would not be paid, they will damage the Banana Fruits. It is further alleged that on 17.04.2021 when the informant went to his Banana orchard, he found that all the FIR named accused including the petitioners were engaged in cutting and carrying banana fruits and due to which informant has sustained loss of Rs. 1,50000/-.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioners that with regard to the demand of ransom at no point of time, any FIR has been instituted and further with regard to the occurrence of cutting Banana trees, which is said to have taken place on 17.04.2021, the present FIR has been instituted on 22.04.2021 and no explanation of such delay has been given. It is further submitted that there is admitted civil dispute, pending between the parties bearing Title suit no.197 of 2021. It is next submitted that even as per the avernments made in the FIR, at no point of time, any ransom has been given to any of



the petitioners and as such no case under section 384 of the Indian Penal Code is made out against the petitioners. It is lastly submitted that the petitioners have fair antecedents and they are co- villagers and both the parties are claiming ownership over the land in question.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there is specific allegation against all these petitioners, who have committed such offence.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against these petitioners in as much as, the delay in lodging of the FIR and admitted land dispute between them and fair antecedent of the petitioners, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Pipra Kothi P.S.Case No. 96 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the



following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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