

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32419 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- BUNIYAD GANJ District- Gaya

1. KUNAL MANJHI @ GIRANI MANJHI SON OF MAHADEO MANJHI Resident of Village - Haribagicha Suryapokhar Road, P.S.- Buniadganj, Distt.- Gaya.
2. GIRANI MANJHI SON OF MAHADEO MANJHI Resident of Village - Haribagicha Suryapokhar Road, P.S.- Buniadganj, Distt.- Gaya.
3. MAHADEO MANJHI SON OF LATE RUPAN MANJHI Resident of Village - Haribagicha Suryapokhar Road, P.S.- Buniadganj, Distt.- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49583 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- BUNIYAD GANJ District- Gaya

RAMBABU MANJHI S/O Late Karu Manjhi R/O Mohalla - Manpur, Suraj Pokhar, P.S. - Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32419 of 2021)

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP
Mr. Kamal Kumar Sinha, Adv.

(In CRIMINAL MISCELLANEOUS No. 49583 of 2021)

For the Petitioner/s : Mr.Rahul Rathour, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP
Mr. Kamal Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.



Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Both the petitions have arisen out of Buniyadganj P.S. Case No. 42/20 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 504, 326, 302 of the IPC and 27 of the Arms Act.

As per prosecution case, during D.J. dance on the eve of Holi a scuffle took place between the daughter-in-law of informant and accused persons including the petitioners and for that reason accused persons including the petitioners assaulted informant's son-in-law resulting his death.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR itself that there is no specific allegation of assault against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Learned counsel further submits that co-accused Suraj Manjhi and Yogendra Manjhi @ Jugendra Manjhi have been granted bail by this court vide order dated 31.01.2022



passed in Cr. Misc. No. 30836 of 2021. Similarly, co-accused Pappu Manjhi and Sukhandi Manjhi have been granted bail by a co-ordinate Bench of this court vide order dated 23.12.2021 passed in Cr. Misc. No. 29999 of 2021. He further submits that petitioners in Cr. Misc. No. 32419 of 2021 are rotting in judicial custody since 06.01.2021 whereas petitioner in Cr. Misc. No. 49583 of 2021 is rotting in judicial custody since 21.01.2021.

Although, learned counsel for the informant as well as learned Additional Public Prosecutor opposed the prayer of bail but learned Additional Public Prosecutor fairly submits that it appears from the case diary that there is no eye witness of the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P.S. Case No. 42/20, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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