

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56460 of 2021

Arising Out of PS. Case No.-338 Year-2020 Thana- KHIJARSARAI District- Gaya

VIJAY MANJHI Son of Raj Kumar Manjhi Resident of Village- Hazichak,
P.S.- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 323, 307, 337, 338, 448, 504, 506 and 34 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.01.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 02.11.2020 at 7:30 pm, while she was having dinner with her family members, then all the 16 accused persons, including the petitioner, entered her house and assaulted Santosh, Sunil and Upendra. It is further alleged that the petitioner along with named accused persons assaulted



Buddhan Chaudhary who sustained injury on his head, further the informant was also assaulted leading to injury on head, thus alleges that the accused persons were armed with *lathi*, *danda* and rod. Further, the occurrence had taken place on account of quarrel among children.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that though it is alleged that the accused persons assaulted the side of the informant but then the allegations are general and omnibus in nature and there is no specific allegation of assault against any of the accused persons. Learned counsel further submits that the statement of the injured and Santosh Yadav was recorded in the case diary at paragraph '5' and '6' but they also have not stated specifically that who assaulted whom rather as per their statement, the allegation of assault is general and omnibus in nature.

Learned counsel for the petitioner submits that from the side of the petitioner also Khijersarai P.S. Case No. 339 of 2020 under Section 307, 325 and other Sections of the I.P.C. was instituted against the side of the present informant in which persons from the side of the petitioner also had suffered injury. Learned counsel further submits that no doubt Upendra



Chaudhary died on account of assault but then in the nature of allegations as alleged in the F.I.R. it is difficult for the present for the purposes of bail to state with certainty that it was this petitioner who assaulted the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner with regard to the submission made by the injured at paragraph '5' and '6' of the case diary and also that the allegation of assault is general and omnibus in nature.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Khijersarai P.S. Case No. 338 of 2020.

(Satyavrat Verma, J)

Rishi/-

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

