

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57571 of 2021

Arising Out of PS. Case No.-96 Year-2019 Thana- WAJIRGANJ District- Gaya

1. YUGAL MANJHI Son of Suraj Manjhi @ Saryu Manjhi Resident of Village- Mirganj, Bhuiya Toli, P.S.- Wazirganj, District- Gaya.
2. Suraj Manjhi @ Saryu Manjhi Son of Late Jagu Manjhi Resident of Village- Mirganj, Bhuiya Toli, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh
For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 30-03-2022 Heard learned counsel for the parties.

Petitioners seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

Informant in his written complaint has alleged that on 21.03.2019 at about 4.00 pm his Co-Villagers namely Srichan Manjhi, Gaura Manihi, Jhota Manjhi, Yugal Manjhi, Shrawan Manjhi, Shankar Manjhi, Edal Manjhi, Karu Manjhi, Ganeshi Manjhi, Fappu Manjhi and Suraj Manjhi all armed with lathi, danda, dagger, sword came at his door and started abusing and assaulting his father, brother Bhukhan Manjhi and brother-in-law and injured them and also stated that his father has killed his



daughter by Jadu-Tona. He further stated that after some time the accused persons again came to his house, assaulted his father and took him away in a field in the east of brick kiln of Shankar Singh and killed him. He lastly stated that the reason behind the incident is that about one week ago the daughter namely Anita Devi of accused Suraj Manjhi died during the delivery and after that the accused persons started blaming his father Somar Manjhi for her death saying that he has killed her by performing Jadu-Tona. On the basis of Fardbeyan Wazirganj P.S. Case No.96 of 2019 dated 22.03.2019 was registered against eleven above named persons including accused/petitioners u/s 147, 148, 149, 341, 323, 307, 302, 504 IPC.

Learned counsel for the petitioners submit that they are innocent and have been falsely implicated in this case only due to animosity and the informant is not an eye witness. There is no specific allegation of any overt act against the petitioners. Allegation against all accused are general and omnibus in nature. Similarly placed accused has been granted bail vide order dated 16.10.2019, passed in Criminal Miscellaneous No. 40694 of 2019, as contained in Annexure-2. It is further submitted that the instant case has been registered on 22.03.2019 but the same has been sent to Court on 27.03.2019



after delay of 5 days. Chargesheet has been submitted in this case. Petitioners have got no criminal antecedent and petitioner no. 1 is in custody since 18.08.2020 and petitioner no. 2 is in custody since 15.06.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **S.T. No. 137 of 2021/ 62 of 2021 arising out of Warziranj P.S. Case No. 96 of 2019**, with following conditions:-

(1) Both the bailors shall be the resident of territorial jurisdiction of the learned court-below.

(2) The petitioners shall fully cooperate with the investigation / trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(S. Kumar, J)

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