

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56945 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- GORIAKOTHI District- Siwan

1. Lakhraj Manjhi Son of Udit Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
2. Dharmendra Manjhi Son of Lakhraj Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
3. Umesh Manjhi Son of Lakhraj Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
4. Rukmini Devi Wife of Lakhraj Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
5. Chanda Devi Daughter of Lakhraj Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
6. Indu Devi Wife of Umesh Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan
7. Kamlesh Manjhi Son of Lakhraj Manjhi Resident of Village- Khagani, P.S.-Goreakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners seek permission to
withdraw this application with respect to petitioner nos. 1, 3 and
7, namely, Lakhraj Manjhi, Umesh Manjhi and Kamlesh Manjhi
respectively.

Permission is accorded.



Accordingly, the present application is dismissed as withdrawn with respect to petitioner nos. 1, 3 and 7, namely, Lakhraj Manjhi, Umesh Manjhi and Kamlesh Manjhi respectively.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 448, 379, 504 and 34 of the Indian Penal Code.

According to prosecution case, in brief, is that on 20.03.2022 at about 4:00 P.M., when the informant was sitting at his door, then Kamlesh Manjhi (petitioner) came and started abusing and when the informant objected then he became furious for assaulting, thereafter, Lakhraj Manjhi, Umesh Manjhi, Dharmendra Manjhi, Rukmini Devi, Chanda Devi, Indu Devi (all petitioners) came with lathi-danda and iron rod and started assaulting the informant. It is further alleged that Kamlesh Manjhi assaulted on the head of the informant by means of iron rod, as the result of which, he sustained head injury and blood started oozing out, in the meantime, they snatched golden chain from the neck of the informant.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that both the parties are agnates and there is admitted land dispute between them. He further submits that the allegation as alleged in the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that there is specific allegation of assault against the co-accused person namely, Kamlesh Manjhi and there is no specific allegation of any assault or overt-act against these petitioners.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Goreakothi P.S. Case No. 53 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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