

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64857 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- PARASBIGHA District- Jehanabad

Dudheshwar Manjhi Son Of Peyare Manjhi R/O Village- Nehalpur, P.S.-
Parasbigha, District- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Parasbigha P.S. Case No. 125 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 353, 334, 307, 304, 506, 427, 333 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 25.07.2021. The petitioner has no criminal antecedent.

As per the prosecution story, one under-trial prisoner Govind Manjhi of Village Sarta Mushari died in Sub-Jail, Daudnagar, Aurangabad. On this, the people of village Sarta



Mushari, Nehalpur Mushari and the people from the surrounding areas blocked NH-110 and they were very aggressive. It is stated in the FIR that when the police party reached there, about 200-250 persons were burning tyres and were protesting violently taking lathi, danda and rod in their hand. They were not ready to remove the blockade from the road. It is then stated that when the crowd became very aggressive and started throwing bricks on the police party, about 13 police personnel got injured who have been treated in the Primary Health Centre at Ratni Faridpur. Since the crowd were throwing stones and were damaging the police vehicles, while trying to flee away one woman *hawaldar* fell down and one unknown vehicle crushed her. It is alleged that from the information received through local sources and video footage received from different sources, 51 named and 200 unknown persons have been identified. The police personnel fired from INSAS rifle and one police constable fired three rounds whereafter the crowd were disbursed.

Learned counsel submits that this petitioner belongs to village Nehalpur Mushari. Since the blockade was done by the people of Sarta Mushari near the village of the petitioner, the petitioner and other co-villagers of his village have also been made accused. In the FIR though the petitioner is said to have been identified but no arm or dreaded weapon has been attributed to



him. There is no allegation that this petitioner was seen assaulting any police personnel or had been involved in throwing stones. Mere presence of the petitioner if at all found in the video footage could not be enough to make him an accused in this case.

Learned counsel, however, submits that all the injuries which are said to have been caused to the police personnel are found to be simple in nature and in this connection, he has taken this Court to the injury reports annexed with the petition.

Learned counsel further submits that in any case the petitioner has remained in custody for about 10 months and at this stage, the investigation against him is complete and his further incarceration in custody is not likely to aid in investigation or help the prosecution in any way.

Learned APP for the State has opposed the prayer for bail of the petitioner and it is submitted that the petitioner has been named among 51 named accused. It is, however, not controverted that in the FIR there is no allegation of commission of any overt act against the petitioner and further the petitioner has not been identified with any weapon in his hand.

Having regard to the submissions noted hereinabove and the materials showing that the petitioner has though been named in the FIR but no specific overt act has been alleged against him, he is a resident of another village and in this case he has



remained in custody for almost 10 months, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Parasbigha P.S. Case No. 125 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

