

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70110 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAND District- Gaya

1. RAMASHISH MANJHI Son of Jamun Manjhi Resident of Village- Bhagalpur P.S.- Chakand, District- Gaya.
2. Tijan Manjhi Son of Jagran Manjhi R/o Village- Nawabakhar, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 28-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Chakand P.S Case No. 124 of 2020, registered for the offences punishable under Section 147, 149, 341, 323, 302, 504, 506 of IPC.

As per prosecution case, petitioners and others are alleged to have concertedly assaulted the informant's son with intention to commit murder.

Learned counsel for the petitioners submits that



petitioners are in custody since 02.07.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness to the alleged occurrence. There is general and omnibus allegation against the petitioners. He further submits that date of alleged occurrence is 04.08.2020 and the FIR is lodged on 07.08.2020 and there is no explanation regarding inordinate delay. He also submits that from perusal of the FIR it is alleged that 12 persons are alleged to have concertedly assaulted with intention to commit murder but the postmortem report is totally inconsistent with the allegation of assault made by 12 persons. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no direct and indirect allegation against the petitioners, during the course of investigation.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, there is no specific allegation against the petitioners, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on



behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Gaya in connection with Chakand P.S. Case No. 124 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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