

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71591 of 2021

Arising Out of PS. Case No.-329 Year-2020 Thana- DHAKA District- East Champaran

Lakhinder Manjhi, Son of Sakhichandra Manjhi, Resident of Village -
Yadopur Nanhkar (Nankar), P.S. - Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71942 of 2021

Arising Out of PS. Case No.-329 Year-2020 Thana- DHAKA District- East Champaran

Sarwan Manjhi, Son of Late Banshi Manjhi Resident of Village- Yadopur
Nanhkar (Nankar), P.S.- Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71591 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 71942 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitionerss and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in



connection with Sessions Trial No. 161 of 2021 arising out of Dhaka P.S. Case No. 329 of 2020 registered for the alleged offences under Sections 147, 148, 149, 323, 324 and 307 of the Indian Penal Code and later on Section 302 IPC was also added.

Vide order dated 18.05.2022, a report from the court of learned Additional Sessions Judge, 19th, East Champaran at Motihari, as to present stage of Sessions Trial No. 161 of 2021 and the time likely to be taken in conclusion thereof, was sought for and a report has been received wherein the learned Additional Sessions Judge has stated that after framing of charge on 16.03.2021, none of the witnesses have been produced by the prosecution for their examination. The Court has sought time for about one year to conclude the trial of the case.

In the aforesaid background, the respective bail petitions of the petitioners are being taken up for hearing.

The prosecution case against the petitioners that they were part of an unlawful assembly and assaulted the informant with '*lathi*', '*danda*' and '*dab*'. Subsequently, the informant succumbed to his injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent and altogether 17 persons have



been made accused in this case, whereas, only two injuries have been mentioned on the person of the informant and these injuries are stated to be caused by hard and blunt object. The learned counsel further submits that there is general and omnibus allegations against the petitioners and other co-accused persons and from the FIR itself, it is clear that there was no intention to cause death of any person and there was no motive to cause harm to informant, who only went to pacify the agitated person. The learned counsel further submits that two co-accused persons have been granted privilege of anticipatory bail by a coordinate Bench vide order dated 19.07.2021 passed in Cr. Misc. No. 852 of 2021 and another co-accused Chandeshwar Manjhi has been granted bail vide order dated 16.08.2021 passed in Cr. Misc. No. 23212 of 2021 by another coordinate Bench. The petitioners are in custody since 06.10.2020

Learned APP submits that the petitioners caused the death of the informant and this fact is evident from the case diary and cause of death has been shown to be haemorrhage and shock due to hard and blunt object.

Having regard to the submissions made hereinabove and considering the fact that allegations against the petitioners are mostly general and non-specific without



attributing any specific overt act to them and further considering the custody period of the petitioners, the petitioners above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-19th, East Champaran at Motihari in connection with Sessions Trial No. 161 of 2021 arising out of Dhaka P.S. Case No. 329 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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