

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61790 of 2022

Arising Out of PS. Case No.-338 Year-2020 Thana- KHIJARSARAI District- Gaya

1. Ravindra Manjhi @ Ravindra Kumar Son of Nanhu Manjhi Resident of Village- Hajichak, P.S.- Khizarsarai, District- Gaya
2. Jitendra Manjhi @ Harendra Kumar son of nanhu manjhi resident of village-hajichak, p.s.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Khizarsarai P.S. Case No. 338 of 2020 registered for the offence under Sections 341, 342, 323, 307, 337, 338, 448, 504, 506 and 34 of the Indian Penal Code and later on 302 of the I.P.C was added.

The accused/petitioners are named in the F.I.R. and both are in custody since 17.06.2022.



The allegation against the petitioners is to assault informant and others, by using bricks and rod causing bodily injuries, where one of the injured, namely, Budhan Chaudhary, finally succumbed to injuries received during the course of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that allegation of fatal assault is not available against these petitioners, rather same is available against, Rohit Manjhi, Ajay Manjhi, and Chandan Manjhi, as per FIR, whereas allegation against these petitioners is very much general and omnibus as made an assault to Santosh Chaudhary, Sunil Chaudhary and Upendra Chaudhary. It is further submitted that nature of injury, as received by these three persons, is appearing simple, negating the intention to cause death. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 30510 of 2021 vide order dated 24.01.2022 . While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.



In view of the facts and circumstances as mentioned above, as allegation regard to fatal assault is not available against these petitioners, where allegation is limited to cause simple injury to other injured persons, coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Khizarsarai P.S. Case No. 338 of 2020 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 Chief Judicial Magistrate-IV, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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