

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5165 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- ATRI District- Gaya

Laxman Manjhi @ Lakshman Manjhi @ Bhola Manjhi @ Bholi Manjhi Son
of Sri Haro Manjhi R/v- Upathu, P.S.- Atari, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
02.08.2022 in connection with Atri P.S. Case No. 138 of 2022,
F.I.R. dated 13.04.2022 for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of
the Indian Penal Code.

According to prosecution case, the occurrence took
place due to drainage of water of the informant from the door of
the accused petitioner and this petitioner along with other
accused persons have attacked the members of the prosecution



party making them injured.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present dispute has arisen due to drainage of dirty water from the door of the informant. He further submits that as per the allegation alleged in the F.I.R, the petitioner has assaulted one Indal Manjhi with Lathi. He further submits that injury report of Indal Manjhi was not found and there is one injury with respect to Sakaldeo Manjhi whose injury report suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that there is case and counter case between the parties and due to the admitted land dispute, the present occurrence took place. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Ram Ratan Chauhan and Nandu Chauhan have been granted bail by a co-ordinate Bench of this Court vide order dated 14.06.2023 passed in Cr. Misc. No. 30661 of 2023. The petitioner is in custody since 02.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate - XIII, Gaya in connection with Atri P.S. Case No. 138 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 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.

(Rajesh Kumar Verma, J)

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