

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2363 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- ASHTHAWAN District- Nalanda

Pradeep Manjhi S/O Sanichar Manjhi Resident of village- Jethiyar, P.S.-
Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Pramod Kumar Sinha, learned counsel for
the petitioner and Mr. Amit Kumar Rakesh, learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Asthawan P.S. Case No. 173 of 2022, registered
for the offences punishable under Sections 147, 148, 149, 341,
342, 323, 324, 307, 337 and 302 of the Indian Penal Code.

The prosecution case is based on the fardbayan of the
informant alleging therein that on 17.06.2022 the peoples of two
villages were fighting with each other and in order to pacify
them, husband of the informant along with others went there, in
the meanwhile all the FIR named accused persons and 20-25
unknown persons brutally assaulted the husband of the
informant by means of various weapons resulting into his death.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR, it is evident that the petitioner is not even named in the FIR, however, during the course of investigation the witnesses disclosed the name of the petitioner as the member of Mob and save and except the aforesaid material there is neither any cogent material nor there is any whisper that he has assaulted the husband of the informant. He further submits that the petitioner having fair antecedent, is in custody since 18.07.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted. Hence, submission has been made that there is no chance of tempering with the evidence or absconding of the petitioner.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the husband of the petitioner was done to death by the Mob headed by the FIR named accused persons.

Regard being had to the submissions made on behalf of the parties and considering the materials available on records which shows that the petitioner was one of the member of Mob with no allegation of any overt act, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Asthawan P.S. Case No. 173 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

