

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8047 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- GHOSI District- Jehanabad

ANIL MANJHI S/o Ramjanam Manjhi R/o Village- Chiri, P.S.- Ghosi, Distt-
Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65688 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- GHOSI District- Jehanabad

SUNIL MANJHI S/O Ramjanam Manjhi R/o Village- Chiri, P.S.- Ghosi,
Distt- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8047 of 2023)

For the Petitioner/s : Mr. Vinod Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 65688 of 2022)

For the Petitioner/s : Mr. Vinod Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-09-2023 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 26.04.2022
seek bail in connection with S. Tr. No.493/2022 & 242/2022,
arising out of Ghoshi P.S. Case No. 123/2022 registered for the
offences punishable under Sections 341, 323, 307, 302, 34 of



the I.P.C.

3. According to prosecution case, the petitioners are alleged to have assaulted the informant and his father by means of lathi, danda and rod, due to which the father of the informant received head injury and during course of his treatment, the father of the informant has died.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted previous dispute between the parties. He further submits that the allegation against the petitioners are that both have assaulted to the father of the informant on his head and the father of the informant has died during course of his treatment and the postmortem report of the father of the informant suggest that he has received two head injury and cause of death is due to head injury and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 26.04.2022.

5. Vide order dated 18.05.2023, a report was called for from the learned trial court regarding the present stage of the trial. Report dated 08.08.2023 of the learned trial court reveals that charge has been framed against the petitioners on 14.09.2022 under Sections 341, 323, 307, 302/34 of the Indian



Penal Code and there are 7 charge sheeted witnesses and out of them only one witness has been examined as yet and the case is pending for examination of the rest of the prosecution witnesses.

6. Learned counsel for the petitioners submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioners are in custody since 26.04.2022.

7. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners, which has been supported by the medical evidence but fairly submits on the basis of the report of the learned trial court that only one witness has been examined as yet by the learned trial court.

8. In view of the report of the learned trial court and period of custody as well as petitioners are having clean antecedent, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Jehanabad in connection with S. Tr. No.493/2022 & 242/2022, arising out of Ghoshi P.S. Case No. 123/2022, subject to the following



conditions:-

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

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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