

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16925 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- ARIYARI District- Sheikhpura

1. GORELAL MANJHI @ GORE MANJHI Son of Bhola Manjhi Resident of Village- Bersha, P.S.- Ariyari (Kasar), District- Sheikhpura
2. PERDESHI MANJHI Son of Bhola Manjhi Resident of Village- Bersha, P.S.- Ariyari (Kasar), District- Sheikhpura
3. GUDDU MANJHI Son of Bhola Manjhi Resident of Village- Bersha, P.S.- Ariyari (Kasar), District- Sheikhpura
4. MUTRI DEVI Wife of Bhola Manjhi Resident of Village- Bersha, P.S.- Ariyari (Kasar), District- Sheikhpura
5. BIDESHI MANJHI Son of Bhola Manjhi Resident of Village- Bersha, P.S.- Ariyari (Kasar), District- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR GOV.OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Ariyari (Kasar) Police Station Case No. 301 of
2022, disclosing offences under Sections
147/148/149/341/323/324/307/379/354-B/504/506 of the Indian
Penal Code.

The prosecution story, on the basis of the First
Information Report, is that on the date of occurrence i.e. on



03.11.2022, on the ground of giving passage to a tractor laden by stone chips, there was a scuffle between the petitioners and the informant, in which the petitioners have allegedly assaulted the informant and her family members by means of iron rod, spade, axe, due to which four persons have sustained injuries from the side of the informant and out of which three have sustained grievous injuries and one has sustained minor injury.

Learned counsel for the petitioners submits that from the perusal of the First Information Report it would be evident that allegation against the petitioners is general and omnibus in nature except allegation against the petitioner no. 2 is that he assaulted the informant by means of iron rod on her head. Petitioner no. 4 is a lady and mother of petitioner no. 1 against whom the allegation is that she allegedly snatched golden chain from the neck of the informant. There is a counter case also lodged by the side of the petitioners bearing Ariyari (Kasar) Police Station Case No. 304 of 2022 dated 05.11.2022, against the informant and others in which persons from the side of the petitioners have also sustained injuries.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is a case and counter case between the parties, the



occurrence has taken place on a trivial issue of giving passage to the tractor laden by stone chips and the generality of the allegation against the petitioners nos. 1, 3, 4 and 5, I am inclined to grant petitioner nos. 1, 3, 4 and 5 the privilege of anticipatory bail except petitioner no. 2, who has caused grievous injury to the informant.

The bail application to petitioner nos. 1, 3, 4 and 5 is, accordingly, allowed.

Let the petitioners, Gorelal Manjhi @ Gore Manjhi, Guddu Manjhi, Mutri Devi, Bideshi Manjhi, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate-1st Class, Sheikhpura, in connection with Ariyari (Kasar) Police Station Case No. 301 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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