

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15612 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- NAWADA District- Nawada

RAJESH MANJHI SON OF LALO MANJHI RESIDENT OF VILL-
GAVSCHAK, SISWAN, P.S- TOWN, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Nawada P.S. Case No. 121 of 2021
for the offence registered under Sections 341,
323, 302, 504 and 506/34 of the Indian Penal Code.

The accusation levelled against the
accused persons including the petitioner herein is
that the land/field of the informant is situated near
Aahar (raised pathway), and on the side of it some
Mahadalit families have constructed their houses
near Sisma Mushahari river and whenever the
informant sows a crop, the persons belonging to



Mahadalit community destroy the said crops by leaving animals in the field of the informant. It is also alleged that in the current year also the informant had sowed crops but the said people had destroyed the same by leaving their animals in the field, who had eaten the said crops leading to an altercation in between the son of the informant and the accused persons. It is further alleged that on 26.10.2020 at about 14:00 in the afternoon, while the son of the informant, namely, Deepak Kumar along with his friend Sonu Kumar was going to his field for watching his crops, on the way the accused persons including the petitioner herein had surrounded the son of the informant and his friend and had started assaulting them leading to the son of the informant sustaining serious injuries on his head, whereafter he had become unconscious, however, upon the other person, namely, Sonu Kumar having raised an alarm, the persons working in the field had arrived there leading to the accused persons fleeing away. Thereafter, the injured persons were brought to the



hospital, however, subsequently the son of the informant died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 24.12.2021. The learned counsel for the petitioner has further submitted that there is no eye witness to the alleged occurrence and, moreover, one other co-accused person namely, Mithun Manjhi, has already been granted bail by a Co-ordinate Bench of this Court vide order dated 22.07.2022 passed in Criminal Miscellaneous No. 17154 of 2022.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has submitted, by referring to paragraph no. 6 of the case diary, that the police has recorded the statement of one witness namely Sonu Kumar, who is the eye witness of the said occurrence and he has supported the case of the prosecution and has stated that the accused persons including the



petitioner herein had assaulted him as well as the deceased resulting in the deceased sustaining grievous injuries, whereafter he had succumbed to his injuries. The learned A.P.P. for the State has also referred to paragraph-15 of the case dairy to submit that one another witness, namely, Satyendra Kumar, has also corroborated the alleged occurrence and has also stated that the accused persons including the petitioner had assaulted the informant and his friend leading to the subsequent death of the son of the informant on account of the injuries inflicted by the accused persons. He has also stated that the son of the informant was admitted to Ford Hospital, Patna, however, he died subsequently.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case dairy, this Court finds that there are ample materials on record to suggest the complicity of



the petitioner in the alleged crime, apart from the fact that the witnesses, whose statements have been recorded by the police during the course of the investigation, have supported the alleged occurrence, hence I do not find any merit in the present petition, thus the present petition stands dismissed.

At this juncture, it would be relevant to mention that the order dated 22.07.2022, referred to by the learned counsel for the petitioner, passed by a Co-ordinate Bench of this Court, is clearly distinguishable inasmuch as the said order granting bail to one of the co-accused person has been passed without taking into account the materials available in the case diary and secondly, the same does not deal with the facts brought to the notice of this Court by the learned A.P.P. for the State, as aforesaid, which duly stand corroborated by the materials available in the case diary.

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(Mohit Kumar Shah, J)

