

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31250 of 2022

Arising Out of PS. Case No.-538 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Bhola Manjhi S/o Late Damari Manjhi Resident of Village- Karmaini Gaji,
P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate.
For the Informant	:	Mr. Indrajeet Bhushan, Advocate.
For the Opposite Party/s	:	Ms. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Lokesh Kumar Singh, learned counsel for the petitioner, Mr. Indrajeet Bhushan, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kuchaikote P.S. Case No. 538 of 2021, for the offences punishable under Sections 341, 323, 324, 307, 302, 504/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that on 13.12.2021 at about 04:30 PM, altogether fourteen named accused persons including



the petitioner brutally assaulted the family members of the informant. It is specifically alleged that co-accused Dhananjay Manjhi, Gamha Manjhi and this petitioner have assaulted the *Bhaisur* of the informant. Another specific allegation has been leveled against the co-accused Rajan Manjhi, who assaulted the husband of the informant by means of *farsa* on his head, who subsequently succumbed to the injury during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that no specific allegation has been leveled against the petitioner, rather general and omnibus allegation has been leveled against the all and even for the sake of argument, the allegation has been leveled against three accused persons including the petitioner, out of which one similarly situated co-accused Gamha Manjhi @ Gama Manjhi has already been allowed the privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 32183 of 2022 vide order dated 22.09.2022. He further submits that the occurrence took place on 13.12.2021 at about 04:30 PM, but the FIR has been instituted on 15.12.2021 after the death of the deceased and as such the false implication of the petitioner cannot be ruled out in the background of land dispute.



On the other hand learned counsel for the informant vehemently opposed the bail application and submits that there is specific allegation against three accused persons including the petitioner that they have brutally assaulted the family members including the *Bhaisur* of the informant and the husband of the informant also died in the sudden assault made by the accused persons.

Learned APP for the State also opposes the bail application and submits that the complicity of the petitioner cannot be denied, as all of them assaulted the family members of the informant.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that another co-accused persons having similar allegation has been allowed privilege of bail and the petitioner having fair antecedent, is in custody since 18.12.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Gopalganj, in connection with Kuchaikote P.S. Case No. 538 of 2021, 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)

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