

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32119 of 2022

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

Rajan Manjhi S/o Gamha Manjhi @ Gama Manjhi @ Gamka 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	:	Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 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 Bhola Manjhi have assaulted the *Bhaisur* of the informant. Another specific allegation has been leveled against the petitioner that he 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 several 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 the petitioner that he has brutally assaulted the husband of the informant over his head by means of *Farsa*, due to which he sustained grievous injury resulting into his death.

Learned APP for the State also opposes the bail application and submits that the petitioner is the sole assailant, responsible for causing death of the informant's husband.

Regard being had to the submissions made on behalf of the parties and considering the specific nature of the accusation and the postmortem report, which clearly supports the allegation, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present bail application stands dismissed for the present.

(Harish Kumar, J)

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