

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33079 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- LALGANJ District- Vaishali

1. NANDA MANJHI S/o- RAM CHANDRA MANJHI Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali
2. Kaleshwar Manjhi son of Moti Manjhi Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali
3. Rajesh Manjhi son of Manju Manjhi Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali
4. Sanjay Manjhi son of Bindu Manjhi Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali
5. Ramesh Manjhi son of Kamleshwar Manjhi Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali
6. Lakhan Manjhi son of Bindu Manjhi Village- Sirsa Ram Ray Ps- Lalganj Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate.
For the Opposite Party/s: Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-08-2023 Heard Mr. Shivjee Singh, learned counsel for the petitioners and Md. Fahimuddin, learned Additional Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection with Lalganj P.S. Case No. 394 of 2022 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. As per the First Information Report, on 12.10.2022 at about 10:00 AM the husband of the informant had gone for hiring



labourer in Mushar Toli where all 14 accused persons named in the First Information Report including petitioners assaulted the informant's husband Pankaj Paswan with *lathi*, *danda*, iron road. It has further been alleged that during course of treatment, on 26.10.2022, the informant's husband fell ill and was taken to Dr. Siya Ram Rai who referred him to PMCH and on way her husband died.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to village politics. He further submits that from perusal of the First Information Report it would be evident that all the accused persons, 14 in numbers, have assaulted the husband of the informant but the Doctor during course of Postmortem has not found any external injury on the body of the deceased and has reserved the cause of death till forensic examination of the viscera. He next submits that the petitioners have got no criminal antecedent.

5. Regards being had to the submission made by the parties and taking into consideration the fact that there is allegation of assault by means of *lathi*, *danda* etc., but no external injury has been found during course of postmortem on the body of deceased, cause of death has also not been ascertained by the



Doctor and the petitioners have got no criminal antecedent, I am inclined to grant regular bail to the petitioners.

6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Tripathi, learned Additional Chief Judicial Magistrate-III, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 394 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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