

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35133 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- MANIGACHI District- Darbhanga

SANTOSH KUMAR @ SANTOSH SAH Son of Bhagwat Sah @ Bhagwat
Sahu Resident of village - Barki Tarauni, P.S.- Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Manigachi (Nehra O.P.) P.S. Case No. 177 of 2022 registered for the offences under sections 147, 148, 149, 332, 333, 353, 188, 302, 307, 504, 283 and 120(B) of the Indian Penal Code lodged on 29.08.2022 by the informant, Rajiv Prakash Rai.

The prosecution case, in short, is that on 29.08.2022 while the informant, a Circle Officer, along with other police officers were engaged in removing encroachment from a piece of land in the light of the order dated 04.08.2022 passed by the Hon'ble High Court, Patna in MJC No. 110/2018, altogether 41



named accused persons including this petitioner along with 100-150 unknown persons started pelting bricks on police officials in which 10-15 police personnel sustained injuries and one home guard driver was brutally assaulted who succumbed to his injuries while being taken for treatment. The encroachers also damaged the police vehicles, a JCB and vehicle belonging to informant. Accordingly, the FIR.

Learned Counsel for the petitioner submits that a perusal of FIR would show that 100 of persons have been rounded off as accuseds and in the process, he too stands implicated. The petitioner has already suffered since 31.08.2022 (as stated in paragraph 19 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that they have tried to assault the police officers who had gone to the place to remove encroachment.

Considering the fact that he is a local, having shop there, omnibus allegation is there of assault, is in custody since 31.08.2022 and some of the co-accused have since been released by co-ordinate benches of this Court vide Cr. Misc.No. 2323 of 2023 and Cr. Misc. No. 4563 of 2023, this Court is also inclined extend him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Darbhanga in connection with Manigachi (Nehra O.P.) P.S. Case No. 177 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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