

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34480 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- EAST COLONY District- Munger

Nirahuwa Manjhi @ Pawan Manjhi Son of Lakhan Manjhi Resident of
Village- Tikiya Para, PS- East Colony (Jamalpur), District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard Mr. Shiv Kumar, learned counsel for the
petitioner and the State.

The petitioner is in custody since 22.5.2022 in connection with East Colony P.S. Case No. 8 of 2022 for the offence punishable under Sections 147, 149, 302, 504, 323 of the I.P.C. lodged on 7.2.2022 by the informant Belo Devi.

The prosecution case in short is that on 6.2.2022 at about 6.00 P.M., her son Sonu Kumar and villager Raja Manjhi had gone to Tikyapara for sight-seeing where there was a quarrel with Krishna Manjhi on some petty issues. At around 7.00 O clock Krishna Manjhi, Rina Devi, Lakhan Manjhi, Nirhuwa Manjhi(petitioner), Bigan Manjhi, Jogan Manjhi, Taklu Manjhi, Vikash Manjhi, Rohit Manjhi, Malti Devi and Munni Devi along with unknown gathered at the door of Krishna



Manjhi and assaulted the informant sides with Iron rod, stick and wood. Injureds were taken to Sadar Hospital, Munger where her son Sonu Kumar died during treatment. Raja Kumar Manjhi was also injured in this incident.

It has been submitted by the learned counsel for the petitioner that a bare perusal of the FIR would show that a scuffle took place between the son of the informant Sonu Kumar and Krishna Manjhi, as a result whereof, he fell down and sustained injury on his head and led to unfortunate death. It is his categorical statement that only one injury has been attributed in the post mortem report. He claims that only injury on his head may have caused due to fall. However, the FIR shows brutal assault attributed to the accused. It is his further submission that in any case, the allegation is of scuffle with Krishna Manjhi and the petitioner only being his family member has been roped in this case.

Learned APP opposes the prayer stating that although there is omnibus allegation is there but the allegation of assault is also on this petitioner.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact he is in custody since 22.5.2022, (i.e. one and half year) and do not have



criminal antecedent and ultimately will face the trial, this Court is inclined to extend him the privilege of bail with conditions.

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 learned Chief Judicial Magistrate, Munger, in connection with East Colony P.S. Case No. 8 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 fortnight for next six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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