

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37172 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- TURKAULIYA District- East
Champaran

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BINOD MANJHI Son of Bangali Manjhi Resident of village - Saphi Tola
Britiya, P.s. - Turkauliya, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37359 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

DEEPAK SAH Son of Pannalal Sah @ Pannalal Prasad Resident of village -
Saphi, P.s. - Turkauliya, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37172 of 2023)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

(In CRIMINAL MISCELLANEOUS No. 37359 of 2023)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Both the bail applications are taken up and heard

together as both arises from the same P.S. Case, i.e., P. S.

Case No. Turkauliya P. S. Case No. 253 of 2023.

The petitioners seek bail in connection with

Turkauliya P. S. Case No. 253 of 2023, registered for the



offences punishable under Sections 353 and other allied Sections of the Indian Penal Code.

The prosecution case as emerges from the FIR is that when the police personnel went on raid, the petitioners and their associates started pelting the stone and bricks upon them and also make obstacle in discharge of their official duties.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that there is no specific allegation against the petitioner and the allegation levelled are general and omnibus in nature. He further submits that petitioners are not apprehended on spot. He also submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that allegedly the petitioners have created obstacle in discharge of official duty of police and have been named in the F.I.R., but except suspicion there is no other material to connect the petitioners with the alleged offence.

He further submits that the petitioners, namely,



Binod Manjhi and Deepak Sah have been languishing in jail since 26.02.2023 and 07.03.2023 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, Binod Manjhi has clean antecedents whereas petitioner Deepak Sah has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **both the applications are allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Sri Ravi Ranjan Kumar, J.M. 1st Class, Motihari, East Champaran, in connection with Turkauliya P. S. Case No. 253 of 2023 on the following conditions:

(i) The petitioners will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the



petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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