

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43226 of 2022

Arising Out of PS. Case No.-96 Year-2019 Thana- WAJIRGANJ District- Gaya

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1. KARU MANJHI S/o Late Nago Manjhi R/o village- Mirganj, P.S.- Wazirganj, District- Gaya
 2. Shrawan Mnjhi S/o Sarup Manjhi R/o village- Mirganj, P.S.- Wazirganj, District- Gaya
 3. Shankar Manjhi S/o Manju Manjhi R/o village- Mirganj, P.S.- Wazirganj, District- Gaya
 4. Srichand Manjhi S/o Manju Manjhi R/o village- Mirganj, P.S.- Wazirganj, District- Gaya
 5. Indal Manjhi S/o Nago Manjhi R/o village- Mirganj, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek regular bail in connection with Wazirganj P.S. Case No. 96/2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307 and 302/34 of the Indian Penal Code.

It has been alleged by the informant in his written complaint that on 21.03.2019 at about



4.00 pm, his Co-Villagers namely Gaura Manjhi, Jhota Manjhi, Yugal Manjhi, Shrawan Manjhi, Ganeshi Manjhi, Fappu Manjhi, Suraj Manjhi and the petitioners herein, all armed with lathi, danda, dagger and sword, had arrived at his door and had started abusing and assaulting his father, brother namely Bhukhan Manjhi and brother-in-law and had injured them as also had shouted & said that the father of the informant had killed his daughter by Jadu-Tona. It has been further alleged by the informant that after some time, the accused persons had again come to the house of the informant & had assaulted his father and had taken him away in a field towards east of brick kiln of Shankar Singh and had killed him. It has been next alleged that the reason behind the incident is that about one week ago the daughter of the co-accused Suraj Manjhi namely Anita Devi, had died during the course of delivery and then the accused persons started blaming the informant's father namely Somar Manjhi for the death of the deceased, alleging that he has killed



her by performing Jadu-Tona.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 22.4.2022. It is further submitted that the informant is not an eye-witness to the alleged occurrence and a general and omnibus allegation has been levelled against all the accused persons. It is also submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court, vide orders 16.10.2019 and 30.3.2022, passed in Criminal Miscellaneous No. 40694 of 2019 and Criminal Miscellaneous No. 57571 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials



available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No. 96/2019.

(Mohit Kumar Shah, J)

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