

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46265 of 2022

Arising Out of PS. Case No.-273 Year-2020 Thana- HARSIDHI District- East Champaran

MAHENDRA MANJHI Son of Late Sita Ram Manjhi Resident of Village -
Dhawahi, P.S.- Harsidhi, District - East Champaran. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Harsidhi P.S. Case No. 273 of 2020 registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

As per prosecution case, petitioner has assaulted upon the head of informant by means of Tanguli as a result of which he sustained injury. It is further alleged that wife of petitioner came and started abusing and assaulting the informant with fist and slaps and in the meanwhile the petitioner with an intention to steal the money, snatched Rs.15000/- from the pocket of the informant.

Learned counsel for the petitioner submits that



petitioner is in custody since 29.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that the alleged occurrence took place on 20.06.2022 at 8 A.M. and FIR has been lodged on 02.07.2020 at 10.20 A.M. and delay has not been explained. Learned counsel for the petitioner submits that informant was examined by doctor and opined that the injury is caused by sharp edged object and injury is simple in nature. He further submits that there is no allegation of repeated blow on the vital parts of the body of victim and in that context no offence under Section 307 of the I.P.C. has made out. Petitioner is quite innocent and has falsely been implicated in the present case due to land dispute and he has committed no offence as alleged in the FIR. It has been submitted that during the course of investigation not a single independent witness whisper any allegation against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, there is no allegation of repeated blow on the vital parts of the body attributed to the petitioner, charge sheet has been submitted



in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Harsidhi P.S. Case No. 273 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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