

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46411 of 2022**

Arising Out of PS. Case No.-95 Year-2018 Thana- MANPUR District- Nalanda

VINAY MANJHI S/O RAMPHAL MANJHI Resident of village- Alaudiya Sarai, Musahari Tola, P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 29-03-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 337, 338, 504 and 302 of the Indian Penal Code.

According to prosecution case, the petitioner along with other co-accused persons are said to have assaulted the father of the informant continuously by means of bricks, stone and sticks due to which he died.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that



there is no allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the postmortem report of the victim suggests that there was no sign of external injury on the body of the deceased. So, the allegation as alleged in the F.I.R. is not supported by the medical evidence.

He further submits that similarly situated, co-accused, namely, Brije Manjhi @ Birje Manjhi has been granted bail by a co-ordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 75758/2018, co-accused namely, Ranjay Manjhi @ Rajay Manjhi, Chhedi Manjhi @ Ajay Manjhi and Meena Devi have been granted bail vide order dated 12.03.2019 passed in Cr. Misc. No. 14394/2019 and Kiran Devi @ Kiraniya Devi and Ramphal Manjhi have been granted bail vide order dated 28.02.2020 passed in Cr. Misc. No.11686/2020 and co-accused namely, Sanjeet Manjhi has been granted bail vide order dated 17.01.2022 passed in Cr. Misc. No. 42621/2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.03.2021.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with S.Tr. No.362/2021, arising out of Manpur P.S. Case No. 95/2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of
or in the name of verification.

(Rajesh Kumar Verma, J)

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