

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52571 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- MANPUR District- Nalanda

Shivbalak Manjhi @ Shivalak Manjhi S/O Suraj Manjhi R/O Village-
Hargawan, P.S. Manpur, Dist. Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranvijay Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
02.06.2023 in connection with Manpur P.S. Case No. 223 of
2022, F.I.R.dated 10.09.2022 for the alleged offences under
Sections 147,149,323,341,324,325,379,307,504 of the Indian
Penal Code.

3. As per allegation, the FIR named accused
persons, including the petitioner, armed with deadly weapons,
came to the house of the informant and started abusing him.
Co-accused Kailash Manjhi and the petitioner assaulted him
with iron rod, causing fracture injuries on the wrist of left
hand as well as above the eye. One Bebi Devi entered into his



house and took away his goats and Rs. 10,000/- kept in bag.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The present case is counter blast of Manpur P.S.Case No.221 of 2022 filed by the co-accused Pawan Majhi against the informant and his family members. Further submits that due to land dispute, the present occurrence had taken place and there was a free fight between the parties and both the parties have sustained injury and as per allegation in the FIR the petitioner alongwith other co-accused person have assaulted the informant by means of iron rod, although the injury report of the informant suggests that he has received the injury and nature of injury is grievous in nature but the injury has taken in the hand of the informant which is not on the vital part of the body of the informant and there was no intention to kill the informant and there was no repetition of blow and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.06.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that



there is direct and specific allegation against the petitioner that he assaulted to the informant by means of iron rod and injury report also supports the allegation as alleged in the FIR.

6. Considering the aforesaid fact, 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 learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 223 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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