

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52603 of 2023**

Arising Out of PS. Case No.-541 Year-2022 Thana- BARBIGHA District- Sheikhpura

1. Bhola Manjhi Son Of Yugeshwar Manjhi Resident Of Village-Sarwa, P.S.-barbiha, District-Sheikhpura
2. Shalendra Manjhi Son Of Pyare Manjhi Resident Of Village-Lodipur, P.S.-barbiha, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      23-08-2023                      Heard Mr. Sheo Nandan Prasad, learned counsel  
  
appearing on behalf of the petitioners and the learned APP for  
the State.

2.      The petitioners apprehend their arrest in  
connection with Barbigha P.S. Case No. 541 of 2022 registered  
for the offence punishable under Sections 458, 341, 342, 323,  
436, 429/34 of the Indian Penal Code.

3. It is alleged that while the informant was sleeping  
in his house along with his children, in the meanwhile the  
petitioner no. 1 sprinkled kerosene oil on the informant's hut  
and petitioner no. 2 set ablaze the hut on fire. It is further  
alleged that both the accused persons caught hold of the



informant and tried to put her into fire, but she anyhow survived. In the aforesaid incidence, the informant's buffalo and a dog was also burnt to death.

4. Learned counsel appearing on behalf of the petitioners submit that from the narration of the F.I.R., it is evident that the informant was sleeping in her hut and as such, her allegation, that she had seen both the petitioners sprinkled kerosene oil and lighting the hut appears to be highly doubtful. He further submits that in fact this case is nothing but a retaliation of Barbigha P.S. Case No. 469 of 2022 lodged by the father of the petitioner no. 1, only with a view to pressurize the petitioners and their family. He further submits that the petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation or proceeding of the Court and will not indulge in intimidating the witnesses or tampering with the evidence.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter-case and the fact that the petitioners have fair antecedent, let the



above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Barbigha P.S. Case No. 541 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Aditi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

