

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59093 of 2023

Arising Out of PS. Case No.-706 Year-2022 Thana- CHAPRA TOWN District- Saran

1. Ashok Manjhi S/O Late Mida Manjhi R/O Mohalla- North Dahiyawa Tola, Ps- Chapra Town, Dist- Saran At Chapra (BIHAR)
2. Suresh Manjhi Son Of Late Mida Manjhi R/O Mohalla- North Dahiyawa Tola, Ps- Chapra Town, Dist- Saran At Chapra (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Learned counsel for the petitioners submits that petitioner no. 2, namely, Suresh Manjhi, has been arrested during pendency of the present petition and he seeks permission to withdraw the petition filed on behalf of petitioner no.2.

03. Permission is accorded.

04. Accordingly, the present petition stands dismissed as withdrawn against petitioner no. 2, namely, Suresh Manjhi.

05. In the present case, the petitioner is apprehending his arrest in connection with Chapra Town P.S. Case No. 706 of 2022, registered on 26.10.2022, for the alleged offence under Sections 341, 307, 323, 354, 379, 447, 448, 504, 506/34 of the



Indian Penal Code.

06. As per prosecution case, the petitioner and other co-accused persons, who were armed with *lathi*, *danda* and iron rod abused and assaulted the informant. When the informant returned after treatment from the hospital, in the dead of night, the petitioner and other co-accused persons again entered into the house of the informant and sister of the informant was assaulted with iron rod twice by co-accused Ravindra Manjhi and when the brother of the informant tried to save her, he was assaulted by the petitioner and co-accused Suresh Manjhi with iron rod, causing fracture of his head. Further allegation of different criminal act is against other co-accused persons.

07. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The parties are neighbours. The specific allegation against the petitioner is that he gave a blow of iron rod on the head of one Prem Kumar, but his injury has been found to be simple in nature. In fact, none of the victims received any grievous hurt and the injury reports do not corroborate the allegation made in the F.I.R. and even from the facts of the F.I.R., no offence under Section 307 of the IPC is made out against the petitioner and others. Other allegations are quite general, omnibus and vague.



A number of co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Criminal Misc. No. 35046 of 2023.

08. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

09. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the simple nature of injury stated to be caused by the petitioner on the victim and further considering the grant of anticipatory bail to other co-accused persons, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/ concerned court in connection with Chapra Town P.S. Case No. 706 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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