

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64691 of 2022**

Arising Out of PS. Case No.-338 Year-2020 Thana- KHIJARSARAI District- Gaya

KARU MANJHI Son of Sarju Manjhi Resident of Village - Hazichak, P.S.-
Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

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

3 16-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Khizersarai
P.S. Case No. 338 of 2020 case registered for the offences
punishable under Sections 341, 342, 323, 307, 337, 338, 448,
504, 506 read with Section 34 of the Indian Penal Code later on
Section 302 of the Indian Penal Code.

According to prosecution case, in brief is that The
informant in the FIR alleges that Nanhu Manjhi and Ramjeet
Manjhi along with other assaulted Santosh Chaudhary with
brick and rod causing fracture on the head. Further Dharendra
Manjhi along with other named accused persons assaulted the
informant by brick, rod and stick causing fracture on the head.
Further in the assault Sunil Chaudhary and Upendra Chaudhary



also suffered fracture on head.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is case and counter case between the parties and the injury report of the injured persons suggests that the injury is simple in nature, except Budhan Choudhary. He further submits that the post-mortem report of the Budhan Choudhary does not corroborate the allegation as alleged in the F.I.R. He further submits that similarly situated, co-accused, namely, Nanhu Manjhi and others have been granted bail by a co-ordinate Bench of this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 30510 of 2021. Another co-accused person, namely, Vijay Manjhi has been granted bail wide order dated 23.03.2022 passed in Cr. Misc. No.56460 of 2021 and another co-accused person, namely, Ramshray Manjhi has been granted bail wide order dated 24.01.2022 passed in Cr. Misc. No.44247 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.06.2022.



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

Considering the aforesaid facts and circumstances, 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 Khizersarai P.S. Case No.338 of 2020 , 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)

Saurabhkrsinha/
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