

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58187 of 2022

Arising Out of PS. Case No.-765 Year-2019 Thana- SARAIYA District- Muzaffarpur

Manjay Sahani @ Manjay Kumar Sahani S/O Kishandeo Sahani Resident Of
Village- Gijas, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354B, 427, 504, 506, 302/34 of the Indian Penal Code.

Prosecution case in nutshell is that taking advantage of loneliness, co-accused Jawahir, Sahani entered into the house of the informant and tried to outrage the modesty of the niece of the informant, whereupon the mother of the informant tried to apprehend him but she was thrown down, which resulted into fracture of her leg. It is



further alleged that petitioner along with other co-accused persons, variously armed, came to the house of the informant and started assaulting his family members. The specific allegation against petitioner is that he assaulted the brother of informant by means of bamboo, due to which he sustained head injuries. It is also alleged that mother of the informant died during the course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that petitioner is languishing in judicial custody since 28.06.2022. There is an inordinate delay of more than a month in lodging the F.I.R. There is general and omnibus allegation against the petitioner and no specific over act of allegation is levelled against him to outrage the modesty of the victim or assault the mother of the informant. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, similarly situated co-accused has been granted Bail vide order dated 16.05.2022 in Cr. Misc. No. 57987 of 2021 by the co-ordinate Bench of this Court.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Saraiya(Jaitpur O.P.) P.S. Case No. 765 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J., 3rd, Muzaffarpur.

(Sunil Kumar Panwar, J)

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