

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66110 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KEWATI District- Darbhanga

LAXAMAN MANJHI @ LAKSHAMAN MANJHI Son of Late Butan
Manjhi R/o vill - Binbara, P.S. - Keoti, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Sanjeev Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Keoti P.S. Case No. 23 of 2023, lodged on 25.01.2023 under
Sections 302, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 4 named accused persons including the present
petitioner. The specific allegation against the present petitioner
is in two folds viz, in the first fold, the allegation against all the
4 accused persons is that that they have assaulted the informant
and further allegation is there that the present petitioner has
thrown brick due to which the injury has caused to the husband
of the informant which resulted into his death.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that both the informant and accused persons are well known to each other and they are resident of the same village and due to dispute among the children of the families, the scuffling took place which was subsequently consoled. Counsel further submits that it is the children of both the families who has thrown bricks on the house of each other and due to which the informants' husband become injured and during the treatment, husband of the informant died.

5. Learned counsel for the petitioner submits that there is one criminal case pending against the petitioner under Section 30(a) of the Bihar Prohibition and Excise Act in which he is on bail. Counsel further submits that the petitioner is in custody since 13.03.2023. Counsel also submits that the charge has already been framed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation in the FIR that due to brick throwing with a view to kill, the head injury has been caused to the



informants' husband which resulted into his death. Counsel also submits that as per his knowledge, charge has not been framed till date.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **if the charge has already been framed, if not, then after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Darbhanga in connection with Keoti P.S. Case No. 23 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

