

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65412 of 2022

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAND District- Gaya

Ramadhar Manjhi Son Of Jamun Manjhi R/V- Bhagalpur, P.S- Chakand,
Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Surendra Kumar Singh, Advocate Mr. Prasen Kumar, Advocate Ms. Tulika Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 12-05-2023 The applicant/accused in Sessions Trial No.268 of 2022, arising out of Crime No. 124 of 2020 registered with Chakand Police Station for the offences punishable under Sections 147, 149, 341,323, 302, 504 and 506 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

This is second bail application of the applicant/accused, the earlier one being rejected on 20.12.2021 by this Court.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor assisted by learned counsel for the First Informant.



The learned counsel for the applicant argued that co-accused with identical roles, namely, Ramashish Manjhi, Tijan Manjhi, Pakdu Manjhi and Jamun Manjhi are already directed to be released on bail by the Coordinate Benches of this Court and, therefore, on the principle of parity the applicant is also entitled for equal treatment. It is further argued that the applicant is undergoing pretrial detention from 16.01.2021 and as yet the trial has not commenced.

The learned Additional Public Prosecutor assisted by learned counsel for the First Informant opposed the application by contending that the accused persons are not allowing the trial to proceed further. It is further argued that with a reasoned order the earlier bail application of the applicant was rejected.

I have considered the submissions so advanced and also perused the materials placed on record including the FIR lodged by mother Reshma Devi of Badal Kumar (since deceased).

According to the prosecution case, on 04.08.2020 at about 10:00 AM, Badal Kumar had gone for easing. The applicant along with 12 named accused persons had assaulted him and committed his murder. This makes it clear that role



attributed to the applicant as well as co-accused is identical in nature.

In the wake of this position, co-accused Ramashish Manjhi and Tijan Manjhi are directed to be released on bail by the coordinate Bench of this Court vide order dated 28.09.2022 in Cr. Misc. No.70110 of 2021. Co-accused Pakdu Manjhi @ Naresh Manjhi is directed to be released on bail by another coordinate Bench of this Court on 05.05.2023 in Cr. Misc. No.13439 of 2023. Yet another co-accused Jamun Manjhi is also directed to be released on bail by the coordinate Bench of this Court vide order dated 07.02.2023 in Cr. Misc. No.35414 of 2021.

In this view of the matter, there is no alternative for this Court but to grant same treatment to the applicant on the principle of parity. Moreover, he is undergoing pretrial detention from 16.01.2021 and submissions of the parties makes it clear that the trial has not commenced as yet. Therefore, the order:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No.124 of 2020 registered with Chakand Police Station giving rise to Sessions Trial No.268 of 2022, be released on bail on executing



P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial. He should attain each and every date fixed for hearing unless exempted by the learned trial Court.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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