

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65089 of 2022**

Arising Out of PS. Case No.-230 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Shankar Manjhi Son of Late Sindhu Manjhi @ Sidhan Manjhi R/O Vill.-
Baraitha Mushari, P.S.- Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 230 of 2021 registered for the offence
under Sections 452, 147, 148, 341, 323, 379, 354, 308, 308, 504
and 506 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.07.2022.

The allegation against the petitioner is to assault
informant and other alongwith other co-accused persons due to
dispute arises out of construction of boundary wall, where both



parties are agnates.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in this case, who is 72 years old, having limited allegation of order giver. It is also submitted that other co-accused persons namely, Kambo Manjhi and Sonu Manjhi have already been granted anticipatory bail through Cr. Misc. No. 31830 of 2022. It is also submitted that after completion of investigation the charge-sheet has not been submitted under Section 308 of the Cr.P.C., rather it was submitted under Section 324 of the Indian Penal Code. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation of assault is not available against this petitioner, where it is limited only of order giver, coupled with the fact that charge-sheet has been submitted u/s 324 of the Indian Penal Code, let the petitioner, above named, is directed to be released on bail in connection with Sultanganj P.S. Case No. 230 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M. 1st, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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