

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69742 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Krishna Manjhi S/O Vinesar Manjhi Resident of Village-Karma Tikar, P.S.-
Magadh Medical, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Magadh Medical P.S. Case No. 37 of 2023, registered on 27.01.2023 for the alleged offence under Sections 147, 148, 149, 504, 341, 323, 325, 307, 302 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons, making an unlawful assembly, assaulted the brother of the informant with *lathi*, *danda*, *rod* and *knife*. They left the brother of the informant in unconscious stage taking him



to be dead. The brother of the informant was taken to the hospital where he was declared dead by the doctor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegations are false and fabricated. The petitioner has no concern with the informant and his family members and there is no specific allegation of assault either on the informant or his family members. No specific allegation of assault or for causing injury against the petitioner has been levelled. A number of co-accused persons have been granted bail by Co-ordinate Bench vide order dated 03.08.2023 passed in Cr. Misc. No. 47549 of 2023 and the case of the petitioner is on similar footing. The petitioner has got no criminal history. The petitioner is in custody since 03.02.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is named in the FIR and the allegation is that the petitioner and other co-accused persons have brutally assaulted the brother of the informant, who subsequently succumbed to the injuries.

6. Having regard to the facts and circumstances of



the case and submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioner without any specific overt act being attributed to him and further considering the grant of bail to a number of similarly placed co-accused persons, period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XII, Gaya/concerned court in connection with Sessions Trial No. 754 of 2023/163 of 2023, arising out of Magadh Medical P.S. Case No. 37 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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