

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69851 of 2022

Arising Out of PS. Case No.-112 Year-2018 Thana- BUNIYAD GANJ District- Gaya

1. Shobhi Manjhi Son Of Karu Manjhi R/V- Bheriya Khurd, P.S- Buniyadganj, Dist- Gaya
2. Santosh Manjhi @ Santosh Kumar Son Of Ramswaroop Manjhi R/V- Bheriya Khurd, P.S- Buniyadganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Buniyadganj P.S. Case No.112 of 2018 registered for the offences punishable under Sections 147, 149, 323, 307, 504, 506 and 354/34 of the Indian Penal Code.

The allegation against the petitioners is to assault informant and others by means of *lathi* and rod causing head and bodily injuries having intention to cause their death, in the background of land disputes.



Learned counsel appearing on behalf of the petitioners submitted that petitioners are agnate and there is counter case of this occurrence also as lodged by petitioner side, where both parties received injuries suggesting that occurrence is of free fight in nature and, as such, unsafe to gather that petitioners were under intention to cause death of informant and others. It is also submitted that no specific overt act has been attributed to these petitioners and moreover, similarly situated co-accused persons have already been granted anticipatory bail through learned Co-ordinate Bench of this Court through Cr. Misc. No.3403 of 2019 vide order dated 23.05.2019. While concluding the argument it is submitted that petitioners are men of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as occurrence is of free fight, negating intention to cause death on its face, let the petitioner above named, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Chief Judicial Magistrate-VIII, Gaya/concerned Court below
where the case is pending in connection with Buniyadganj P.S.
Case No.112 of 2018 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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