

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70576 of 2023

Arising Out of PS. Case No.-284 Year-2021 Thana- ATRI District- Gaya

1. Ballakhan Manjhi @ Ballakhandar Manjhi @ Balchand Manjhi Son Of Shiva Manjhi @ Shiv Manzi R/O Village - Narawat Tola, Vanvashi Nagar, P.S.- Atri, District- Gaya
2. Anil Manjhi Son Of Shiva Manjhi @ Shiv Manzi R/O Village - Narawat Tola, Vanvashi Nagar, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Ujjawal Kumar Singh, learned counsel
for the petitioners and Mr. Arvind Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Atri P.S. Case No. 284 of 2021, F.I.R. dated 22.08.2021 for the offences punishable under Sections 147, 149, 341, 323, 379, 308, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, on the alleged date of occurrence, the petitioners along with other accused persons entered into the house of the informant and assaulted him and his mother by means of lathi and iron rod due to which they sustained several injuries.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that both the parties are agnates and there is admitted land disputes between the parties. He further submits that as per the allegation in the F.I.R, petitioner, namely, Ballakhan Manjhi has assaulted to the mother of the informant due to which she sustained injuries but the injury report of the mother of the informant suggests that the injury is simple in nature and there is no specific allegation of any assault or overt act attributed against the petitioner namely, Anil Manjhi. He further submits that co-accused, namely, Mukku Manjhi @ Mukesh Manjhi against whom there is allegation that he has assaulted the informant by means of iron rod has been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 20.09.2023 passed in Cr. Misc. No. 58606 of 2023 and co-accused, namely, Manoj Manjhi and others have also been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 06.04.2023 passed in Cr. Misc. No. 4412 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



that the petitioners have clean antecedent and both the parties are agnates and the co-accused persons have been granted anticipatory bail, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 284 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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