

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4254 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Jogi Manjhi @ Yogendra Manjhi S/O Late Gajo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
2. Rabindra Manjhi S/O Late Gajo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
3. Paro Manjhi S/O Late Gajo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
4. Fulchand Manjhi S/O Late Gajo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
5. Balchand Manjhi S/O Kajroo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
6. Phucho Manjhi @ Gore Manjhi @ Phuchan Manjhi S/O Kajroo Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
7. Sintu Manjhi @ Joga Manjhi S/O Rabindra Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.
8. Pramod Manjhi S/O Jogendra Manjhi R/O Village- Barsa, P.S- Ariyari (Kasar- O.P), Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv.
		Mr. Pramod Kumar Sinha, Adv.
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Pramod Kumar Sinha, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Ariyari (Kasar) P.S. Case No. 183 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 302, 448, 504 and 506 of the Indian Penal Code and Section 3/4 of



the Dian Act.

3. Allegedly, on 24.06.2023 at about 10:30 PM, while the informant along with his family members were sleeping on the roof, in the meantime, all the FIR named accused persons, including the petitioners variously armed came there and surrounded the father of the informant and started dragging him outside the house. It is further alleged that on the exhortation made by petitioner no.1, Jogi Manjhi, co-accused Kajru Manjhi and Milan Manjhi, assaulted over the head of the father of the informant by means of axe and rod due to which he fell down. When the informant and his brother came to rescue of their father, co-accused Pramod Manjhi, Gore Manjhi and Lakhiya Devi, also assaulted them with other weapons. During the course of treatment, the father of the informant succumbed to his injury.

4. It is submitted on behalf of the petitioners that from the FIR, it is evident that the alleged occurrence took place on 24.06.2023 but the FIR has been instituted on 26.06.2023. Moreover, prior to the institution of this case, the postmortem has been done but at that point of time neither *fardbeyan* of the informant was recorded nor he has made any allegation against the petitioners. Subsequent thereto, a written report has been



submitted after a delay of two days, leading to the institution of the FIR and, as such, the false implication of the petitioners cannot be ruled out. He further submitted that even as per the FIR, the specific allegation has been levelled against the co-accused Kajru Manjhi and Milan Manjhi. So far as the petitioners are concerned, there is omnibus nature of allegation and the cause of death is shown to be head injury which is attributed against the afore-noted persons. He lastly submitted that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State, vehemently opposed the application and submitted that all the petitioners had actively participated in the crime, leading to death of the father of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging of the FIR, coupled with the fair antecedent and the fact that specific allegation of assault has been attributed against the co-accused Kajru Manjhi and Milan Manjhi, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court



below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Sheikhpura in connection with Ariyari (Kasar) P.S. Case No. 183 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

