

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16512 of 2024

Arising Out of PS. Case No.-506 Year-2023 Thana- BELAGANJ District- Gaya

1. Manohar Manjhi Son of Late Puna Manjhi Resident of Village- Shreepur, P.S.- Belaganj, District-Gaya
2. Rajesh Manjhi Son of Sudhari Manjhi Resident of Village- Shreepur, P.S.- Belaganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. 2Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Belaganj P.S. Case No. 506 of 2023, registered for the offences punishable under Sections 323, 341, 325, 326, 379/34 of the Indian Penal Code.

3. The allegation against above named petitioners is to assault informant and others by using dangerous weapons, causing fracture of legs, where



occurrence is alleged to be arises out of local disputes and difference.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation regarding physical assault is very much general and omnibus against petitioners. It is submitted that beside general allegation of physical assault, the allegation against the petitioners is to snatch the mobile phone of informant during the course of occurrence. It is submitted that the allegation is ornamental in nature as to aggravate the allegation and moreover, for the occurrence of dated 29.07.2023, the present FIR was lodged after a gap of six days, without having any proper explanation. It is further submitted that the weapon, which alleged to use for causing injury is not appears specified *qua* accused persons, and as such, the prime legal ingredients of Section 326 of the Indian Penal Code as of dangers weapon is not appears *prima facie* convincing. While concluding argument, it is pointed out that the injuries



as alleged caused during the occurrence is on non-vital part of the body i.e. the lower legs and save and except single injury on lower jaw, no other injury was found noticed upon vital part of the informant, which makes allegation non-convincing on its face, particularly in the background of allegation that assault was caused by five persons with deadly weapons. While concluding the argument learned counsel submitted that the petitioner no. 1 was found involved in one case on which he is on bail and petitioner no. 2 is a man of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that this is a case of collective assault, where during the course of occurrence, informant received fracture injury on his lower leg.

6. Considering the aforesaid facts and circumstances and by taking note of nature of injury and nature of weapons as alleged to be used during occurrence, accordingly, above named petitioners, in the event of their arrest or surrender before the learned trial



Court, within a period of four weeks of the order, is directed to 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 Chief Judicial Magistrate, Gaya/concerned Court, where the case is pending in connection with Belaganj P.S. Case No. 506 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions that:-

(i) That the petitioners shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioners shall not interact with informant during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioners shall cooperate in the trial and shall be physically present on



each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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