

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20916 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- PAHARPUR District- East Champaran

1. Mokhtar Manjhi Son of Late Ram Sevak Manjhi Resident of Village- Baluwa Akona, P.S.- Paharpur, District- East Champaran
2. Hero Manjhi @ Satan Manjhi Son of Late Shivdhari Manjhi Resident of Village- Baluwa Akona, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Prateek Tandon, learned counsel for the petitioners and Mr. Surendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paharpur P.S. Case No. 67 of 2023, F.I.R. dated 20.02.2023 for the offences punishable under Sections 447, 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the on the head of the informant and also snatched her gold earring.

4. Learned counsel for the petitioners submits that



petitioner no.1 has clean antecedent and petitioner no.2 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that petitioner no.1 has given farsa blow on the head of the informant and petitioner no.2 has assaulted the informant with *lathi*. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR although the informant has received injury but injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the injury received upon the informant is simple in nature, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, East Champaran, Motihari in connection with Paharpur P.S. Case No. 67 of 2023, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 bonds 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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