

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26203 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- BANKA District- Banka

Shambhu Manjhi @ Shambhu Saran Manjhi Son of Mahendra Manjhi R/o
vill - Goa Bakhar, P.S. and Distt. - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivnanadan Singh, Sr. Advocate
	:	Mr. Abhishek Kumar Srivastava, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Shivnanadan Singh, learned Senior counsel, along with Mr. Abhishek Kumar Srivastava, learned counsel appearing on behalf of the petitioner and Mr. Abhay Kumar Roy, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Banka P.S. Case No. 03 of 2023 registered under Sections 147, 148, 149, 341, 324, 307 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner, had fired at the informant, as a result of which, he sustained head injury.

4. Mr. Shivnanadan Singh, learned Senior counsel appearing on behalf of the petitioner submitted that there is previous enmity between the parties, as would appear from



paragraph no.3 of the bail application as the informant of the present FIR or his relative has lodged altogether four cases against the petitioner, in which petitioner is on bail. Carried by his personal whims and to threaten the petitioner, the informant has dragged the petitioner by lodging false cases against him.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, the fact that the informant and the petitioner are co-villagers and they are in inimical terms. Altogether, four FIRs have been lodged against the petitioner by the informant and his family members, prior to lodging the present FIR. There is case and counter-case arising out of the said incidence, in which the petitioner has sustained grievous injuries on his leg and the petitioner, without any intention, in his self-defence, may have caused some injuries to the informant. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The District Court is directed to release the petitioner on anticipatory bail, in the event of his/her 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) with two sureties of the like amount each, to the satisfaction of learned Sessions Judge, Banka in connection with Banka P.S. Case No. 03 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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