

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18849 of 2024

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

Milan Manjhi Son of Late Gajo Manjhi Resident of Village-Barsa, P.S.-
Ariyari (Kasar O.P.), District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33442 of 2024

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

Kajru Manjhi son of Late Gajo Manjhi @ Gogo Manjhi R/O - Village Barsa,
P.S. - Ariyari (kasar - O.P)district Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 18849 of 2024)
For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 33442 of 2024)
For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 09-08-2024 Heard Mr. Pramod Kumar Sinha, learned Advocate
for the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in
custody in connection with Ariyari (Kasar) P.S. Case No. 183 of
2023, registered for the offence punishable under Sections 147,
148, 149, 341, 302, 448, 504 and 506 of the Indian Penal Code



and Section 3 of the Dian Act.

3. Based upon the written report, the prosecution alleges that while the informant and his family members went to sleep on the roof after taking meal, after sometime, they heard a commotion. When the informant saw in the electric light, he found that all the accused persons, including the petitioners, surrounded his father *Jetha Manjhi* and dragged him outside the house. It is specifically alleged that both these petitioners, having *khanti* and iron rod in their hand, brutally assaulted the father of the informant over his head, due to which he sustained injuries. When the informant and other family members came to the rescue of the deceased, they were also threatened with dire consequences.

4. Learned Advocate for the petitioners contended that the occurrence as alleged in the FIR took place on 24.06.2023 at about 10:30 PM. However, the present FIR has been instituted on 26.06.2023, after delay of two days and no explanation for delay has been assigned. Soon after the occurrence, the inquest report was prepared and the post-mortem has been done but neither the *fardbeyan* of the informant was recorded nor any complaint has been made. The post-mortem was conducted on 09:35 AM and the time elapsed since death is said to be six



hours. In such circumstances, even the date and time of occurrence doesn't corroborate. It is next contended that in fact the informant is not an eyewitness to the alleged occurrence and only on account of an enmity, the name of the petitioners have been implicated. It is also contended that subsequent to the lodging of the FIR, the family members, whose statements have been recorded by the investigating officer, they have narrated that petitioner *Milan Manjhi* was having pistol in his hand and *Kajru Manjhi* was having iron rod. There are various inconsistencies in the statement of the informant and witnesses. Now the petitioners, who are having no criminal antecedent, are in custody since 06.12.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against these two petitioners, that they brutally assaulted the father of the informant by means of *khanti* and iron rod, leading to his death.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as well as the fact that the dead body of the deceased was brought by the *Chaukidar* and, moreover, the inquest report as well as the post-mortem have been done before lodging of the



FIR and at that point of time, neither the *fardbeyan* of the informant was recorded nor any complaint has made, coupled with the period of incarceration as well as the fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees 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 that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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