

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33281 of 2024

Arising Out of PS. Case No.-570 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Sajjan Manjhi Son Of Saryu Manjhi Resident Of Village - Shankar Bigha, P.S. - Wazirganj, District - Gaya
2. Nandu Manjhi Son Of Sajjan Manjhi Resident Of Village - Shankar Bigha, P.S. - Wazirganj, District - Gaya
3. Sunil Kumar Son Of Chandra Manjhi Resident Of Village - Shankar Bigha, P.S. - Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandrashekhar Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 20-12-2024 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners apprehend arrest in connection with Wazirganj P.S. Case No. 570 of 2022, punishable for the offences registered under Sections 147, 148, 149, 341, 323, 337, 307, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons assaulted the informant and his family members by means of iron rod, *lathi*, *bhala* and *tangi* due to which they sustained injuries.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners also submits that no specific allegation has been attributed against the petitioners. The allegation levelled against the petitioners are general and omnibus in nature. It is further submitted that there is case and counter case between the parties. The injuries received by the injured are simple in nature. The petitioners have got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is further submitted that specific allegation of assault is against petitioner no. 2, namely, Nandu Manjhi. The injury report shows the injury of injured are simple in nature except of injured Ramesh Das which is grievous in nature. Hence, petitioner no. 2, namely, Nandu Manjhi does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation against petitioner no. 2, this Court is not inclined to grant anticipatory bail to petitioner no. 2. So far as remaining petitioner, i.e. petitioner nos. 1 and 3 are concerned, this Court is inclined to grant anticipatory bail to petitioner nos. 1 and 3.



7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 2, namely, Nandu Manjhi, is hereby, **rejected**. However, the petitioner No.2 is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

8. So far as petitioner nos. 1 and 3 are concerned, let the petitioners (**i.e. petitioner nos. 1 and 3**), above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 Court below/concerned Court in connection with Wazirganj P.S. Case No. 570 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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