

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32440 of 2024

Arising Out of PS. Case No.-485 Year-2023 Thana- BANIAPUR District- Saran

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Ramendra Manjhi, Son Of Suraj Manjhi, Resident Of Village - Surauda, P.S. -
Baniyapur, District - Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 31-07-2024 Heard Rajeev Kumar, learned Advocate appearing on

behalf of the petitioner and the learned Additional Public

Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Baniyapur P.S. Case No. 485 of 2023 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that while the informant was going to his Bathan, in the mean time the FIR named accused persons including the petitioner armed with deadly weapon surrounded him and started abusing. When objection was raised, all the accused persons brutally assaulted the informant and his family



members. It is specifically alleged that this petitioner assaulted the nephew of the informant by means of iron rod over his head, due to which he sustained serious injury.

4. Learned Advocate appearing on behalf of the petitioner contended that on account of a long standing land dispute both the parties entered into a free fight, leading to filing of case and counter case being Baniyapur P.S. Case No. 481 of 2023 instituted by the father of the petitioner. It is further contended that the family members of the petitioner has also sustained injuries, however, the prosecution has failed to explain the injuries sustained to the family members. So far the allegation against the petitioner is of causing iron rod blow over the head of Rakesh Kumar is concerned, the same has not been corroborated during the course of investigation as none of the witnesses has supported the allegation nor there is any injury report which suggest that he has sustained any injury. It is next contended that the petitioner is man of fair antecedent and now he has been incarcerated over a period of six months.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner of causing iron rod blow over the head of the nephew



of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the long standing dispute leading to lodging of the case and counter case, coupled with the fact that during the course of investigation the police has not found any injury report of the nephew of the informant; as also the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Baniyapur P.S. Case No. 485 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 petitioner will cooperate in conclusion of the trial.

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

(iii) He 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, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. 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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