

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25756 of 2024

Arising Out of PS. Case No.-157 Year-2018 Thana- SIKANDRA District- Jamui

1. Mani Manjhi S/o Late Jugal Manjhi, R/o vill - Kumar, P.S. - Sikandra, Dist. - Jamui.
2. Fulchand Manjhi S/o Late Jugal Manjhi, R/o vill - Kumar, P.S. - Sikandra, Dist. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
		Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Abdul Mannan Khan, the learned counsel for the petitioners and Mr. Anil Prasad Singh, the learned Additional Public Prosecutor for the State.

2. Petitioners seeks regular bail and petitioner no. 1 is in custody since 20.08.2020 and petitioner no. 2 is in custody since 22.08.2020 in connection with Sikandra P.S. Case No. 157 of 2018, FIR dated 12.07.2018, registered for the offences punishable under Sections 147, 148, 341, 323, 307, 316 and 504 of the Indian Penal Code.

3. According to the prosecution case, the accused persons armed with *lathi* and iron-rod came at the house of the informant and demanded re-partition of the joint family property



and upon refusal they assaulted the informant and his family members. It is further alleged that due to assault on the abdomen, the eight month child of informant's sister-in-law died in the womb.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that there is no allegation of any assault or overt act, rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the co-accused persons namely, Batan Manjhi @ Bato Manjhi and Phuleshwar Manjhi against whom there are similar nature of allegations have been granted bail by this Court vide orders dated 25.11.2021 and 17.03.2023 passed in Cr. Misc. No. 25091 of 2021 and Cr. Misc. No. 71750 of 2022 respectively. He lastly submits that the police after investigation has submitted chargesheet against the petitioners and petitioner no. 1 is in custody since 20.08.2020 and petitioner no. 2 is in custody since 22.08.2020.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the period of custody of the petitioners, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui, in connection with **Sikandra P.S. Case No. 157 of 2018**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court shall take step for



cancellation of bail bond 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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