

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30854 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- PHULWARISHARIF District- Patna

1. Puja Devi Wife Of Mohan Manjhi Resident Of Village - Gobindpur, P.S. - Phulwarisharif, District - Patna
2. Suraj Manjhi Son Of Sunil Manjhi Resident Of Village - Gobindpur, P.S. - Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

02. In this present case, the petitioners are apprehending their arrest in connection with Phulwarisharif P.S. Case No. 404 of 2023, registered for the offences under Sections 147, 149, 323, 341 and 307 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons gagged the informant and took him away to a secluded place where the informant was brutally assaulted by them. When the brother of the informant reached there, the petitioners and other co-accused fled away from the spot. The occurrence took place in the background of fact that the



informant used to drive a police vehicle and the petitioners and other co-accused persons were having suspicion that he was doing work of informer against them.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The real fact of the case is that the informant was caught red handed by the villagers setting fire to the hut of one Khelan Manjhi and the informant was handed over to the police but the police party in order to save the informant, who is driver of the QRT team, falsely implicated 8 persons in this case. After much persuasion and approach to the higher authorities, the case of co-accused Khelan Manjhi was lodged by the police vide Phulwarisharif P.S. Case No. 407 of 2023 under Sections 436, 506 and 504 and Sections 3(2)(iii) of the SC/St Act. The allegations are mostly general and omnibus and there is no specific allegation against the petitioners. Co-accused, namely, Khelan Manjhi, Rita Manjhi, Dilip Manjhi and Guria Devi have been granted anticipatory bail by a Co-ordinate Bench and this Court as well vide orders dated 24.08.2023 and 10.01.2024 passed in Criminal Misc. Nos. 53595 of 2023 and 82493 of 2023, respectively. Petitioners are having clean antecedent.

05. Learned APP opposes the submissions made on



behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and omnibus nature of allegation and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna/concerned court in connection with Phulwarisharif P.S. Case No. 404 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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