

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32142 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- MANJHI District- Saran

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1. Bhagwan Ji Prasad @ Ranjay Kumar SON OF KANCHAN PRASAD VILLAGE-MANJHI, THANA BAZAR, P.S.- MANJHI, DIST-Saran
 2. SUNIL PRASAD SON OF GULAB CHANDRA PRASAD VILLAGE-MANJHI, THANA BAZAR, P.S.- MANJHI, DIST-Saran
 3. SANJAY PRASAD @ SANJAY KUMAR SON OF GULAB CHANDRA PRASAD VILLAGE-MANJHI, THANA BAZAR, P.S.- MANJHI, DIST-Saran
 4. DILIP KUMAR SON OF SURESH PRASAD KUSHWAHA VILLAGE-MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 5. SANTOSH KUMAR @ SANTOSH PRASAD SON OF KANCHAN PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST-SARAN
 6. RANJIT PRASAD @ RANJIT KUMAR SON OF GULAB CHANDRA PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST-SARAN
 7. RAMESH PRASAD @ RAMESH KUMAR SON OF SURESH PRASAD KUSHWAHA VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 8. JITENDRA PRASAD @ JITENDRA KUMAR SON OF GULAB CHANDRA PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 9. LAV KUSH KUMAR @ LAV KUSH SON OF PRABHUNATH MAHTO @ LATE PRABHU PRASAD @ PRABHUNATH PRASAD VILLAGE-MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 10. MANOJ PRASAD SON OF PRABHUNATH PRASAD @ LATE PRABHU PRASAD @ PRABHUNATH PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 11. OM PRAKASH PRASAD @ OM PRASAD SON OF PRABHUNATH MAHTO @ LATE PRABHU PRASAD @ PRABHUNATH PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 12. KANCHAN PRASAD SON OF VISHWANATH PRASAD @ LATE VISHWANATH MAHTO VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN
 13. ANIL PRASAD SON OF KANCHAN PRASAD VILLAGE- MANJHI, THANA BAZAR, P.S.- MANJHI, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

2 22-05-2024 It has been informed by learned counsel for the petitioners that petitioner nos. 3, 8, 12 and 13 have been arrested and as such, he wants permission to withdraw the petition against them.

2. Permission accorded.

3. The same is accordingly dismissed as withdrawn.

4. Heard the parties.

5. The petitioners are apprehending their arrest in connection with Manjhi P.S. Case No. 348 of 2023 for the offence under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the I.P.C. lodged on 01.12.2023 by the informant, Arun Kumar.

6. As per the prosecution story, the informant alleged that as there was a marriage in the family, he just requested the accused side to clear the area of cow dung, they instead abused and assaulted. The allegation against the accused Anil Prasad, Jitendra Prasad is/are of assault as also causing injuries on the head/fracture in the thumb of the informant. They further threatened of dire consequences. The video of the said involvement is present with the informant who was shifted to Sadar Hospital, Chapra. Accordingly, the FIR.

7. Learned counsel for the petitioners submit that



there is case and counter-case, due to minor issue, the alleged occurrence took place, there case being earlier one, the main allegation was against Kanchan Prasad, Anil Prasad and Jitendra Prasad who subsequently have been arrested. Though the other accused/petitioners are named, no overt act attributed to them.

8. Learned APP opposes the prayer stating that though there is case and counter-case, allegation of assault/injuries are there.

9. Taking into account the fact that the allegation is mainly on Anil Prasad, Jitendra Prasad and Kanchan Prasad, though these petitioners have antecedent, no overt act attributed, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. Let the petitioner Nos. 1, 2, 4, 5, 6, 7, 9, 10 and 11 be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, XI, Saran at Chapra in connection with Manjhi P.S. Case No. 348 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner Nos. 1, 2, 4, 5, 6,



7, 9, 10 and 11 should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner Nos. 1, 2, 4, 5, 6, 7, 9, 10 and 11 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner Nos. 1, 2, 4, 5, 6, 7, 9, 10 and 11 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner Nos. 1, 2, 4, 5, 6, 7, 9, 10 and 11 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner Nos. 1, 2, 4, 5, 6, 7, 9, 10 and 11 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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