

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34822 of 2024

Arising Out of PS. Case No.-145 Year-1994 Thana- DHAMDAHA District- Purnia

1. Abhilal Manjhi @ Avilal Soren son of Marang Soren R/O - Village-Bishanpur P.S- Dhamdaha Dist- Purnea
2. Pachhiyari Manjhi @ Sanjhala Soren son of Jetha Soren R/O - Village-Bishanpur P.S- Dhamdaha Dist- Purnea
3. Rupaie Murmu @ Rupai Murmu S/O - Patbari Murmu R/O - Village-Bishanpur P.S- Dhamdaha Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Supplementary Dhamdaha P.S. Case No. 145 of 1994 (SGR No. 1829 of 1994) instituted for the offences under Sections 147, 447, 384, 153(A), 159 and 153(B) of the Indian Penal Code.

3. The prosecution case, in short, is that the accused persons forming an unlawful assembly came over the land of the informant and forcibly grabbed the land and constructed huts over the said land.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case due to village politics. No incriminating material has been recovered from the conscious possession of the petitioners. The present case is misuse of privilege of bail earlier granted to the petitioners. Earlier the petitioners have been granted regular bail by the learned 1st Addl. Sessions Judge, Purnea on 03.04.2007 in BP no. 416 of 2007. Charge sheet was submitted. Cognizance was taken on 04.12.2010. Summon was issued thereafter bailable warrant was issued on 21.03.2016. Thereafter, the learned Court below on 24.11.2017 and 02.02.2019 issued proclamation under Sections 82 and 83 Cr.P.C respectively against the petitioners and as the petitioners were not appearing, their bail bonds were cancelled on 7.12.2019. They were declared absconder on 14.09.2022. The petitioner nos. 1 and 2 are in jail custody since 20.12.2023 whereas petitioner No. 3 is in custody since 09.10.2023. Learned counsel further submits that the petitioners undertake to abide by any conditions imposed by this Court if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, the period of custody undergone by the petitioners and the undertaking given by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Supplementary Dhamdaha P.S. Case No. 145 of 1994 (SGR No. 1829 of 1994) subject to the following conditions.

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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