

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36679 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- BARACHATTI District- Gaya

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Jagu Manjhi @Jagu Kumar @Rajesh Ranjan @Pappu Kumar Son of
Kuleshwar Manjhi @Kuleshwar Bhuiyan R/O village masaundhi P.S.-
mohanpur, district gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2024 Heard Mr. Durgesh Nandan, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending arrest in connection
with Barachatti (Mohanpur) P.S. Case No. 743/2023 instituted
under Sections 147, 148, 149, 186, 341, 323, 333, 353, 307, 504
and 506 of the Indian Penal Code lodged on 07.08.2023 by the
informant, Mukesh Singh.

3. As per the prosecution story, the allegation against
the petitioner is that in Barachatty P.S. Case No 347 of 2022, a
tractor was seized but the police got confidential information
that the same is being taken away and used for ploughing the
field. The police reached the place and found the tractor and
tried to take it away when the accused persons assembled and



assaulted the police. As a result, they had to retreat. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that under confusion that the tractor that was seized in Barachatty P.S. Case No. 347 of 2022 is the same tractor, the police reached there and as they objected to it, it followed some scuffle which resulted in them falling down and an exaggerated FIR has been lodged.

5. Learned counsel for the petitionr submits that the police in haste, rounded of all the accused persons which include the petitioner who is a labour. Further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Learned counsel submits that similar placed accused persons namely Binod Yadav and Ashok Yadav and others have been granted bail by the Court in Cr. Misc. No. 5056 of 2024 and Cr. Misc. No. 83340 of 2023 respectively.

7. Learned APP opposes the prayer submitting that the accused persons scuffled with the police when it was trying to take away the seized tractor.



8. Taking into account the aforesaid facts as also the submissions put forward by the parties and since other have also been granted the said relief, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barachatti (Mohanpur) P.S. Case No. 743/2023 to the satisfaction of learned A.C.J.M.-IInd, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner 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 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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