

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45163 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- BARACHATTI District- Gaya

1. Sakunti Kumari D/o Baisakhi Manjhi @ Bashakhi Bhuiyan R/o vill - Jogiyatand, P.S. - Mohanpur, Distt. - Gaya
2. Kunti Kumari D/o Baisakhi Manjhi @ Bashakhi Bhuiyan R/o vill - Jogiyatand, P.S. - Mohanpur, Distt. - Gaya
3. Mamta Devi W/o Puna Manjhi @ Puna Bhuiyan R/o vill - Jogiyatand, P.S. - Mohanpur, Distt. - Gaya
4. Baisakhi Manjhi @ Bashakhi Bhuiyan S/o Late Jageshwar Manjhi R/o vill - Jogiyatand, P.S. - Mohanpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with Barachatti (Mohanpur) P.S. Case No. 124 of 2024 instituted for the offence under Sections 341, 323, 302/34 of the Indian Penal Code.

3. Prosecution case in a nutshell is that when the informant and her mother were sitting at their door, accused persons, including the petitioners assaulted her due to which she became unconscious, whereafter she was taken up for treatment



and subsequently, she succumbed to injuries. It is next specifically alleged that mother of the informant died due to assault by petitioner No.4.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 25-02-2024. Petitioners bear clean antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel submits that there is general and omnibus allegation levelled against the petitioner Nos. 1, 2 & 3, whereas petitioner No.4 is alleged to have assaulted the mother of the informant due to which she died. It is submitted that there is inordinate delay of five days in lodging of the FIR. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that there is specific allegation against the petitioner No.4 of assaulting the mother of the informant, which fact is corroborated with the postmortem report, in which doctor has opined that death is caused due to physical assault.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, there being no



direct allegation against the petitioner Nos. 1, 2 & 3 and charge sheet being submitted, this Court is inclined to grant bail to the petitioner Nos. 1, 2 & 3.

8. Let the petitioner Nos. 1, 2 & 3 be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barachatti (Mohanpur) P.S. Case No. 124 of 2024.

9. So far as petitioner No.4, namely, Baisakhi Manjhi @ Bashakhi Bhuiyan is concerned, considering the direct allegation levelled against petitioner No.4 even in the FIR itself, which is corroborated by the postmortem report, this Court is not inclined to grant bail to petitioner No.4. Prayer is *rejected* in respect of petitioner No.4.

10. However, if the trial is not concluded within a period of nine months from today, petitioner No.4 above-name, will be at liberty to renew his prayer for bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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