

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47641 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- MANJHAGARH District- Gopalganj

1. Pramod Bin @ Pramod Kumar Prasad Son Of Kankaiya Bin, Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj
2. Hansraj Bin Son Of Late Gorakh Bin Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj
3. Nand Bin @ Nandji Bin Son Of Ram Bali Bin @ Rambali Prasad Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj
4. Manoj Bin Son Of Ram Bali Bin @ Rambali Prasad Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj
5. Yado Bin Son Of Adalat Bin Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj
6. Ram Bali Bin @ Rambali Prasad Son Of Late Indrasen Bin Resident Of Dhousi Tola, Paitharpatti, Police Station - Manjhagarh, District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Subhash Kumar, the learned counsel for the petitioners and Ms. Rina Sinha, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Manjhagarh PS Case No. 05 of 2024, FIR dated 05.01.2024, registered for the offences punishable under Sections 341, 323, 307, 504 and 506 read with Section 34 of the Indian Penal Code.



3. According to the prosecution case, while the informant was harvesting sugarcane crops in his ancestral land, the co-accused persons, variously armed, came there and one Adalat Bin ordered Ajit Bin and Hansraj Bin to kill the informant. Thereafter, Hansraj Bin gave *lathi* blow in the hand of the informant, Govind Bin and Prem Bin assaulted Devendra Bin on his head by means of iron-rod and Pramod Bin inflicted iron-rod blow on head of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and there is case and counter case between the parties. He further submits that the present case is the counter blast of the Manjhagarh P.S. Case No. 04 of 2024 filed on behalf of the petitioners' side. He further submits that from perusal of the FIR, it appears that in the present occurrence both sides have received injuries and it also appears from the FIR that there is specific allegation against the petitioners that they have assaulted the informant and his family members. He lastly submits that although the informant and his family members have received the injury, but the injury report of the informant and his family members suggests that injury is simple in nature.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is case and counter case between the parties and the injury report of the informant's side suggests that injury is simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, where the case is pending in connection with **Manjhagarh PS Case No. 05 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall



be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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