

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59804 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- KHAIRA District- Jamui

Raj Kumar Manjhi S/O Late Babulal Manjhi R/O Village- Pakri, P.S- Khairia,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-09-2024 1. Heard learned counsel for the petitioner and Mr. Rabindra Kumar learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 354(B), 313, 504 and 34 of the Indian Penal Code.

3. The Station House Officer and the Investigating Officer of the case are present in the Court.

4. The Station House Officer submits that he has joined recently on 01.09.2024. Further, the Investigating Officer submits that he has joined on 01.02.2024 when the case is of the year 2023.

5. The Station House Officer submits that he had inquired into the matter from the earlier Investigating Officer and the Station House Officer as to why the case was instituted after a delay of nine days on which he was informed that the



informant herself initially after examination by the Doctor was not interested in instituting the case rather was more interested in having the dispute resolved by Panchayati.

6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

7. The informant alleges that on 23.08.2023 while she was returning from the field when petitioner along with other accused persons surrounded her and started abusing when informant ran to her house to save herself but Mahesh Manjhi entered the house and repeatedly assaulted her by lathi and disrobed her by slamming her on the ground, thereafter Raj Kumar Manjhi (petitioner) came and jumped over the stomach of the informant when she was carrying pregnancy of three months and Suraj Manjhi also assaulted her by kicks and fists. Further, on account of assault the pregnancy was terminated.

8. Learned counsel for the petitioner submits that the date of occurrence is 23.08.2023, the FIR came to be instituted on 03.09.2023 and as submitted by the SHO the informant herself was more interested in holding a Panchayati. It is further submitted that allegation of assault leading to abortion is ornamental or else the informant would have disclosed the name of the Doctor and the hospital where she was treated. It is next



submitted that petitioner and the informant are cousin but concealing the said relationship the FIR has been instituted on account of dispute relating to land.

9. Learned A.P.P. for the State also does not oppose the prayer for anticipatory bail of the petitioner in view of the submissions made by the Station House Officer.

10. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khaira P.S. Case No. 378 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. The personal appearance of the Station House Officer and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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