

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75179 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- JALALPUR District- Saran

1. Shalesh Kumar Manjhi @ Shailesh Manjhi Son of Ramayan Manjhi Resident of Village- Kotheya, P.S.- Jalalpur, Distt.- Saran at Chapra
2. Lakshman Manjhi @ Laxman Manjhi Son of Bhola Manjhi Resident of Village- Kotheya, P.S.- Jalalpur, Distt.- Saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-10-2024 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners is permitted to make correction in the provision portion and paragraph No. 1 of the application in course of the day.

2. The petitioners seek bail in Jalalpur P.S. case No. 204 of 2024 instituted for the offences under Sections 30(a) and 45 of the Bihar Prohibition and Excise Act and Sections 191(2), 191(3), 190, 115(2), 118(1), 117(2), 125, 121(1), 121(2), 109, 132, 223, 352, 351(2) & (3), 324(4) and (5) and 221 of B.N.S., 2023.



3. The prosecution case, in short, is that on secret informant when the police reached, accused persons including the petitioners attacked on police personnel with lathi, danda, bricks etc due to which police personnel sustained injuries. It is further alleged that petitioner No. 2 assaulted Anup Kumar Maurya with sharp weapon resulting in head injury and petitioner No. 2 also attacked on police personnel. Thereafter on search, 25 liters liquor was recovered out of which 20 liters liquor was recovered from the house of petitioner No. 2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is further submitted that allegation made in F.I.R. does not corroborate with the injury report as the allegation of assault by petitioner No. 2 is with sharp weapon but in the injury report, the injury is said to be caused by hard and blunt substance. Hence the allegation made in the F.I.R. does not corroborate with the



injury report. General and omnibus allegation of assault has been made against petitioner No. 2. It is further alleged 20 liters liquor was recovered from the joint house of petitioner No. 2 where other family members also reside. The petitioners are in custody since 26.08.2024. The petitioner No. 1 has got no criminal antecedent and the petitioner No. 2 has got one criminal antecedent. There is no compliance of Section 103 of B.N.S.S.,2023

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, nature of allegation and the period of custody undergone 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 Jalalpur P.S. case No. 204 of 2024 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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