

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78262 of 2024

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

Daharu Manjhi @ Rajababu Kumar Manjhi S/O Bhola Manjhi R/O Village-
Kotheya, Police Station- Jalalpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jalalpur
P.S. Case No. 204 of 2024 instituted for the offences under
Sections 30(a)/45 of the Bihar Excise and Prohibition Act, 2016
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) & (5),
221 of the BNS.

3. The prosecution case, in short, is that, the police on
receipt of secret information, reached at the place of occurrence
and apprehended the petitioner and recovered 5 litre illicit liquor
from his possession of the petitioner. It is alleged that when the
police tried to enter into the house of co-accused Laxman



Manjhi, all the named accused persons as well as other villagers pelted stones as also attacked on police personnel with lathi, danda, bricks etc. due to which some of the police personnel sustained injuries. Lady police personnel were also beaten and also sustained injuries. The police has also recovered 20 litres illicit country made liquor from the house of co-accused Laxman Manjhi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case on the basis of suspicion. The petitioner has got no concern with the alleged recovery of illicit liquor. There is no independent eye-witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has eight criminal antecedents and is languishing in judicial custody since 26.08.2024 without any rhymes or reason.



5. Learned counsel for the petitioner again submits that the co-accused namely Shalesh Kumar Manjhi @ Shailesh Manjhi and Lakshman Manjhi @ Laxman Manjhi have been granted bail by this Court vide order dated 21.10.2024 passed in Cr. Misc. No. 75179 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that from perusal of the impugned order, it appears that the petitioner was found indulged in trade of illicit liquor and in the incident, various police personnel sustained injuries in which some are simple and some are grievous in nature. The petitioner has eight criminal antecedents and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Jalalpur P.S. Case No. 204 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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