

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85408 of 2023

Arising Out of PS. Case No.-353 Year-2023 Thana- GAYA MUFASIL District- Gaya

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1. SIBU MANJHI @ SHIV KUMAR MANJHI Son of Late Shankar Manjhi R/o vill - Bhadeji, P.S. - Mufassil, Distt. - Gaya
 2. Manoj Manjhi @ Manoj Kumar Manjhi Son of Late Shankar Manjhi R/o vill - Bhadeji, P.S. - Mufassil, Distt. - Gaya
 3. Chotu Manjhi Son of Late Shankar Manjhi R/o vill - Bhadeji, P.S. - Mufassil, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mufassil P.S. Case No. 353 of 2023 for the offence registered under sections 341, 323, 325, 379, 427, 504, 506, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 23.03.2023 by the informant, Guddu Chaudhary.

3. As per the prosecution story, the informant has alleged that while he was coming home, the accused persons who were armed variously stopped his motorcycle and thereafter, all the three petitioners assaulted causing internal



injuries. Further allegation is against Sarwan Chaudhary that he opened fire causing injury on his right hand which was also fractured. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that so far as these petitioners are concerned, omnibus allegation is there, the allegation mainly is on Sarwan Chaudhary, though he concedes that the petitioner nos. 2 and 3 have criminal antecedents and it all relates to Bihar Prohibition and Excise Act.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that though omnibus in nature, allegation of assault is also on these petitioners.

6. Taking into account the submissions put forward by the parties as also the materials on record, omnibus allegation is against the petitioners, no injury internal injury report is on record, specific allegation is against Sarwan Chaudhary that he opened fire which hit the hand of the informant causing fracture in his hand, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt



of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Gaya in connection with P.S. Case No. 353 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of their bail bonds;

8. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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