

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86184 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- GUTHANI District- Siwan

Jay Ram Manjhi S/o- Late Kulanjan Manjhi Resident of village- Khadauli,
P.S- Guthni Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 86307 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- GUTHANI District- Siwan

Chanda Devi W/o- Ram Awadhesh Manjhi Resident of Village - Khadauli,
P.S. - Guthani, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86184 of 2024)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate with
Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 86307 of 2024)

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 Considering the fact that both the applications are

arising out of the same police station case and, as such, with the

consent of the parties, the same are being heard together and

disposed off by this common order.

2. Heard the parties.

3. Applications for grant of bail to the petitioners, who

is in custody in connection with Guthani P.S. Case No. 139 of

2024, registered for the offences punishable under Sections 341,



323, 307, 302, 504/34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that while co-accused Ram Awdesh Manjhi was forcefully constructing a brick wall over the land, which was in the possession of the informant's side, the same was protested by the informant, whereupon all the F.I.R. named accused persons started abusing and assaulted the informant and others with *lathi*, *danda*, brick and stone. It is specifically stated that the petitioner in Cr. Misc. No. 86307 of 2024 assaulted with brick to Seema Devi, whereas the petitioner in Cr. Misc. No. 86184 of 2024 assaulted with *lathi* to Raj Kumar Paswan. There is specific allegation against co-accused Ram Awadesh Manjhi, who assaulted the husband of the informant over his head, due to which he sustained serious injury and fell down, leading to his death.

5. Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioners drawing the attention of this Court to the impugned order submitted that even the injuries sustained to Seema Devi and Raj Kumar Paswan have not been discussed and thus it appears that the same are simple in nature. Moreover, the specific allegation of causing fatal blow has been levelled against co-accused Ram Awdesh Manjhi, who is not before this



Court. It is further contended that other co-accused persons having more or less similar allegation, they have been allowed the privilege of bail in Cr. Misc. No. 69833 of 2024 vide order dated 23.10.2024. The petitioners are person of fair antecedent and they undertake that they will fully cooperate in the proceeding.

6. On the other hand, learned APPs for the State oppose the bail application and submit that the petitioners have actively participated in the crime and assaulted the family members of the informant leading to injury, out of which the husband of the informant succumbed to injury and later on died.

7. Regard being had to the submissions made on behalf of the parties and considering the specific accusation of causing fatal blow against Ram Awadesh Manjhi, who is not before this Court, coupled with the fact that there is no discussion of injury sustained to other persons, and the others have been allowed the privilege of bail, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-VIII, Siwan/ ACJM-VII, Siwan in connection with Guthani P.S. Case No. 139 of 2024, subject to the condition that one of the bailors shall be the



own/close family members of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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