

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3597 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- KAKO District- Jehanabad

1. Mintar Manjhi S/o Jagdish Manjhi R/o Village- Chhotki Kako, P.S.- Kako, District- Jehanabad
2. Gorakh Manjhi S/o Mintar Manjhi R/o Village- Chhotki Kako, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioners, who are in custody in connection with S. Tr. No. 582 of 2024 arising out of Kako P.S. Case No. 37 of 2024, registered for the offences punishable under Sections 341, 323, 324, 326, 307, 302, 147 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch (Daain) Practices Act.

3. Based upon the written report, the prosecution alleges that on account of witchcraft there was a dispute in both the family and on the fateful day on 28.01.2024 at about 9:00 pm. while the father of the informant was using bonfire, in the



meanwhile, all the accused persons came there and started assaulting. It is specifically alleged that co-accused Sanjivan Manjhi assaulted the father of the informant with *tangi* blow over his head due to which he sustained head injury and later on that proved fatal.

4. Learned Advocate for the petitioners contended that the alleged occurrence took place on 28.01.2024 at about 9:00 pm. but the FIR has been registered on 29.01.2024 at about 8:30 pm., irrespective of the fact that the police station was only one kilometer away from the place of occurrence. Even as per the narrations made in the FIR, the specific allegation of causing *tangi* blow has been levelled against co-accused Sanjivan Manjhi, who is not before this Court. So far the petitioners are concerned, save and except the allegation that they were indulged in witchcraft there is no allegation as such. The inquest report also suggests only one injury over the head of the deceased, which is attributed to co-accused Sanjivan Manjhi. That apart the petitioners are men of fair antecedent and now they have been incarcerated since 06.07.2024. The investigation is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners



have also assaulted the deceased.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the injury which is proved to be fatal has been levelled against co-accused Sanjivan Manjhi, coupled with the fair antecedent of the petitioners, 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 ADJ-X, Jehanabad in connection with S. Tr. No. 582 of 2024 arising out of Kako P.S. Case No. 37 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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