

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21257 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- Vishanpur District- Kishanganj

1. Kulanand Manjhi @ Kalanand Manjhi S/O Sovind @ Sobin Lal Manjhi R/O Vill.- Kairibirpur, P.S.- Vishanpur, Dist.- Kishanganj.
2. Ritu Devi @ Ritu Basant Kumari W/O Kalanand Manjhi R/O Vill.- Kairibirpur, P.S.- Vishanpur, Dist.- Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with STR No. 46 of 2025, arising out of Vishunpur P.S. Case No. 20 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 74, 109(1), 352 and 351(2) read with Section 3(5) of the BNS.

3. As per the prosecution case, petitioners and other co-accused persons brutally assaulted the husband of the informant. They also assaulted the informant and her parents-in-law. The occurrence took place in the background of dispute over right to way. Further allegation against the petitioner



Kulanand Manjhi is that he struck on the head of husband of the informant with an axe causing deep injury.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is general and omnibus allegation against altogether 9 persons including the petitioners that they brutally assaulted the informant, her husband and her in-laws and subsequently, she stated that petitioner no. 1 assaulted her husband with axe on his head causing injury to his head. The true story of the case is that the informant and other co-accused persons, who were variously armed, entered into the house of the petitioners and broke open the door and assaulted the petitioners. For the said occurrence, petitioner no. 2 gave a written complaint to the local Police, but the local Police did not register any case against the informant and when no action was taken by the Police, she lodged Complaint Case No. 900(C) of 2024 before the Court of learned Chief Judicial Magistrate, Kishanganj. He further submits that moreover, the allegation of assault by axe is false as the victim was examined at Primary Health Centre, Kochadhaman and doctor found one lacerated wound on left side of parietal region of size 5"x1"x1/2" and opined that injury is probably grievous



in nature caused by hard and blunt object. Learned counsel further submits that the victim Tinku Lal Harijan was further examined and after x-ray and CT scan report, it was found that the fracture of vault of skull involving left parietal bone with adjunct soft tissue swelling was also found. Learned counsel next submits that petitioners are having clean antecedents and chargesheet has been submitted. Learned counsel lastly submits that petitioner no. 1 is in custody since 06.01.2025 and petitioner no. 2 is in custody since 25.12.2024.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioners and submits that there is specific allegation against petitioner no. 1 for causing axe injury on the head of husband of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that one one injury has been shown on the person of the husband of the informant, whereas the allegation is against 9 persons and also considering the absence of injury ascribed to petitioner no. 1, since injury has been shown to be caused by hard and blunt object and further considering the petitioners' period of custody, submission of chargesheet and their clean antecedents, the petitioners, above-named, are directed to be



released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Kishanganj / concerned Court, in connection with **Vishunpur P.S. Case No. 20 of 2024**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioners on single date or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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