

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33103 of 2025

Arising Out of PS. Case No.-569 Year-2024 Thana- MADHAURAH District- Saran

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1. Birendra Manjhi,
 2. Rajeshwar Manjhi @ Mithai Manjhi @ Mithailal,
Both are Sons of Late Zakar Manjhi @ Late Sakar Manjhi @ Late Jhakhar Manjhi
 3. Sanni Deol Kumar @ Sanni Deol @ Paharu Manjhi,
 4. Rajan Kumar Manjhi @ Rajan Manjhi @ Rajan Kumar,
Petitioner nos. 3 and 4 are sons of Birendra Manjhi,
All are resident of Village-Baidapur P.S.- Madhaurah Dist- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. At the outset, it is pointed out that petitioner no.2, namely, Rajeshwar Manjhi @ Mithai Manjhi @ Mithailal was arrested during the pendency of present bail petition and, therefore, his prayer *qua* anticipatory bail has now become infructuous.

3. Considering the aforesaid, the prayer of anticipatory bail of petitioner no.2, namely, Rajeshwar Manjhi @ Mithai Manjhi @ Mithailal stands dismissed being



infructuous.

4. Now, the petition survives only for petitioner nos. 1, 3 and 4, namely, Birendra Manjhi, Sanni Deol Kumar @ Sanni Deol @ Paharu Manjhi and Rajan Kumar Manjhi @ Rajan Manjhi @ Rajan Kumar.

5. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Madhaurah P.S. Case No.569 of 2024 registered under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

6. Allegation against the petitioners is to assault the informant along with co-accused persons causing head and bodily injuries with intention to cause his death.

7. It is submitted by learned counsel appearing for petitioners that the allegation of assault is available mainly against apprehended co-accused namely, Rajeshwar Manjhi @ Mithai Manjhi @ Mithailal, whereas Birendra Manjhi was alleged only as order giver, whereas petitioner nos. 3 and 4 only hold the informant during the occurrence without any actual physical assault. It is pointed out that the occurrence



was basically free fight in nature, where both parties received injuries and, therefore, it cannot be said that petitioners were under intention to cause death. It is submitted that for same set of occurrence, the petitioners' side also lodged a case against the informant and others, which is registered as Madhaurah P.S. Case No.571 of 2024. It is pointed out that the nature of injury upon the informant upon medical examination, found simple in nature, which further negate the intention to cause death.

8. Learned APP while opposing the prayer of anticipatory bail to the petitioners submitted that petitioners were actively participated in present occurrence.

9. In view of aforesaid factual submissions and by taking note of fact as occurrence was free fight in nature, where upon medical examination, the nature of injury upon informant found simple, negating *prima facie* the intention to cause death or the knowledge of petitioners that the injuries may likely to cause death of informant, accordingly, the petitioners no. 1, 3 and 4, namely, Birendra Manjhi, Sanni Deol Kumar @ Sanni Deol @ Paharu Manjhi and Rajan Kumar



Manjhi @ Rajan Manjhi @ Rajan Kumar, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Madhaurah P.S. Case No.569 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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