

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76823 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

1. Sohan Manjhi S/o Nathun Manjhi R/o Village- Parsama, P.S.- Magadh University, District - Patna
2. Mukesh Manjhi S/o Ramashish Manjhi R/o Village- Parsama, P.S.- Magadh University, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Durgesh Nandan, Advocate
For the State : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 At the outset learned Counsel for the Petitioner is seeking permission to withdraw the petition on behalf of the Petitioner No.1/ Sohan Manjhi S/o Nathun Manjhi.

2. Permission is accorded.

3. Accordingly, the application of Petitioner No.1/ Sohan Manjhi is dismissed as withdrawn.

4. Heard learned counsel for the Petitioner No.2 and learned APP for the State.

5. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Magadh University PS. Case No.75 of 2024 dated 10.04.2024, registered for the offences punishable under Sections 341, 323,



307, 354, 504/34 of the Indian Penal Code.

6. As per allegation, the petitioner and the co-accused abused and assaulted the informant with fist and *tangi* by pushing her down.

7. Learned counsel for the petitioner submits that the Petitioners is innocent and has falsely and implicated in this case. He further submits that on account of previous enmity, this false case has been filed. He further submits that as per the injury report, no offence under Section 307 is made out. As per the injury report there was swelling and abrasion over right hand and lacerated wound over mid line of head size 3" x ¼" x 1/4" and the nature of injury is simple as per the medical report.

8. It is also stated in paragraph no. 2 of the petition that no similar petition has earlier been filed by the petitioner either before this Court or before the Hon'ble Apex Court.

9. It has further been stated in paragraph no.3 of the petition that the petitioner had no criminal antecedents.

10. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

11. Considering the aforesaid facts and circumstances, particularly simple nature of the injury, **this petition is allowed**, directing the petitioner, namely **Mukesh Manjhi S/o**



Ramashish Manjhi, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Gaya, in connection with Magadh University PS. Case No.75 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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