

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89050 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MAHKAR District- Gaya

1. Mithlesh Manjhi S/o Surendra Manjhi
2. Rohit Manjhi S/o Barhan Manjhi
3. Barhan Manjhi S/o Late Saryug Manjhi
All residents of Village - Adampur, P.S. - Mahkar, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aryan Singh, Advocate
For the Informant	:	Mr.Ujjawal Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-07-2025 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioners; Mr. Ujjawal Kumar Singh, learned counsel appearing on behalf of the informant and Mr. Ajit Kumar, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Mahkar P.S.Case No.66 of 2024, registered for the offences punishable under Sections 147, 148, 149, 448, 341, 342, 323, 307, 302, 504, 506 and 120(B) of the Indian Penal Code .

3. As per the allegation made in the FIR; on the allegation of witchcraft, the petitioners along with the other accused persons armed with *tangi, pasuli, khanti, iron rod, clubs* and *sticks*, arrived at the door of the informant; after that



they entered into the house of the informant and started assaulting the informant with a common intention to kill him, in which the father of the informant namely, Jagdish Manjhi received grievous injuries. After this, Jagdish Manjhi was locked in *Anganwari Kendra* by accused persons and the door was locked. Thereafter, the co-villagers unlocked the door of *Anganwari* and took him to Primary Health Centre for better treatment and after that he was referred to ANMCH, where he died on the way.

4. Mr. Aryan Singh, learned counsel appearing on behalf of the petitioners submitted that the allegation against the petitioners of committing murder of the father of the informant with a common intention is baseless on the ground that the Fardayan was lodged on 28.03.2024 at 9:00 A.M., while the inquest report was prepared between 9:00 to 11:00 A.M. and on 28.03.2024 at 11.15 A.M. the postmortem was conducted. As such, after seven hours of alleged Fardbeyan and preparation of the inquest report, the information was given to the Police Station at 04.15 P.M. on 28.03.2024 and the FIR was lodged. The FIR was not sent immediately within 24 hours and it was sent after four days of the alleged offence. In this case, the informant is the eye witness, who is the son of the deceased. In



front of other family members and the informant, who claims himself to be the eye witness, the deceased was dragged out of the house by altogether 12 persons and no one had come to help the deceased. Family members of the deceased has not received injury. No reason has been assigned whether there was enmity between them, which led to commission of murder of the deceased, who is the father of the informant.

5. Learned counsel further submitted that the involvement of these petitioners in the alleged commission of the offence is also imaginary because the informant, who claims himself to be eye witness, has given information that his father was dragged out of the house, after brutally assaulting him, and he was locked inside the Anganwari Centre, which is run by a female Sevika/Sahayika and after the death of the deceased, FIR was lodged, which is contrary to the provision of Section 173 BNSS. All the witnesses are vested interest witnesses. On these grounds, learned counsel appearing on behalf of the petitioners submitted that similarly situated four co-accused persons, namely, Umesh Manjhi, Sanjeev Manjhi, Nanhu Manjhi and Sukari Devi have been granted pre-arrest bail, vide order dated 29.01.2025 passed in Cr. Misc. No.67299 of 2025 wherein this Court has observed that in view of the general and omnibus



allegation and there being no direct allegation of assault against them, the petitioners were directed to be released on pre-arrest bail. So far as the present petitioners are concerned, they also claim parity considering the offence as alleged against them.

6. *Per contra*, Mr. Ujjawal Kumar Singh, learned counsel has tendered his appearance on behalf of the informant, who has submitted that the petitioners of the present case are the main accused, who have committed alleged offence of murder of the father of the informant. Learned counsel further submitted that the specific allegation has been made against six co-accused persons, namely, Madan Manjhi, Mithilesh Manjhi, Rohit Manjhi, Jatan Manjhi, Manoj Manjhi and Barhan Manjhi. Out of them one Madan Manjhi, who was arrested, had preferred Cr. Misc. No.61437 of 2024 and a Co-ordinate Bench of this Court after considering the rival submissions and the allegation made against him found that with a common intention, the co-accused Madan Manjhi has committed murder of the father of the deceased and the regular bail application of the co-accused Madan Manjhi was rejected, vide order dated 18.01.2025 passed in Cr. Misc. No.61437 of 2024.

7. Learned counsel further submitted that as per the allegation made against the present petitioners in the FIR, they



along with co-accused Madan Manjhi with a common intention had committed murder of the father of the informant.

8. In support of the argument of the learned counsel appearing on behalf of the informant, Mr.Ajit Kumar, learned APP for the State has submitted that in course of the investigation, evidences have been collected against these petitioners and the witnesses have also supported the alleged occurrence, in which the petitioners were involved in commission of the murder of the father of the informant and in this regard, while referring to Paragraph nos.6, 7 and 8 of the case diary. The postmortem report finds description at page no.18 of the case diary. Learned APP informs that the Doctor has opined that the cause of death is due to multiple injury on the person of the deceased on the vital parts of the body like, sculp, lungs, ribs and brains and the death has been caused within 12 hours of grievous injury.

9. Having considered the rival submissions made on behalf of the parties, as well as, considering the specific allegation against the petitioners that the petitioners along with Mandan Manjhi, whose bail application has been rejected, had also entered into the house of the deceased and assaulted him brutally and thereafter they locked the deceased in the



Anganwari Centre and they also prevented the deceased from immediate medical assistance. I find that there is direct involvement of the petitioners in commission of the murder of the father of the informant, which is supported by the evidences collected during the course of the investigation. The postmortem report reveals multiple injuries caused on the vital parts of the body of the deceased, which ultimately took the life of the father of the informant. I am not inclined to enlarge the petitioner on pre-arrest bail.

10. The present bail application is accordingly dismissed.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

