

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90304 of 2024

Arising Out of PS. Case No.-453 Year-2024 Thana- AMARPUR District- Banka

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1. Samar Manjhi S/o Bindeshwari Manjhi R/o Village- Itwa, Mushahari Tola, P.S.- Fulidumar, District- Banka
 2. Ram Pravesh Manjhi S/o Bindeshwari Manjhi R/o Village- Itwa, Mushahari Tola, P.S.- Fulidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Amarpur (Fullidumar) P.S. Case No. 453 of 2024 instituted for the offences under Sections 126(2), 115(2), 303(2), 352, 351(2), 118(1), 109, 3(5) of the Bhartiya Nyaya Sanhita.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of assaulting the Informant and her husband by means of *lathi*, *danda* and rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case due to local politics. He further submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He further submits that three persons sustained injuries in the alleged occurrence and from the injury report, it appears that the injury sustained by Vinay Manjhi was grievous, he was taken to the Hospital for his treatment but, during treatment, he died and charge-sheet was submitted under Section 103 of the B.N.S. The injury received by rest two of the injured are simple in nature. Both the parties are next door neighbors. The petitioners have no criminal antecedent. The petitioners are in custody since 23.08.2024, without any rhymes or reason. Other co-accused persons have been granted bail by this Court *vide* order dated 23-01-2025, passed in Cr. Misc. No. 77066 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners are serious in nature. There persons were injured in the alleged occurrence who have sustained injuries on their head.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur (Fullidumar) P.S. Case No. 453 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioners.
- (ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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