

(2021) 09 PAT CK 0005

Patna High Court

Case No: Criminal Miscellaneous No. 35779 Of 2021

Laxman Manjhi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Sept. 1, 2021**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Bimlesh Kumar Pandey, Nand Kishore Prasad**Final Decision:** Allowed

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor
(hereinafter referred to as the "APP" for the State).
3. Learned counsel for the petitioners undertakes to file the petition supported by affidavit by today itself. Let the same be done.
4. The petitioners have moved the Court seeking modification of the judgment dated 18.03.2021 passed in Cr. Misc. No. 14334 of 2021.
5. Learned counsel for the petitioners submitted that the petitioners had been granted anticipatory bail by judgment dated 18.03.2021 passed in Cr. Misc. No. 14334 of 2021. However, it was submitted that among the conditions it was also stipulated that one of the bailors will be close relative of the petitioners. Learned counsel submitted that the petitioners and their relatives are basically not landed persons and even the houses of the petitioners are on gairmajarua land and, thus, none of their close relatives satisfies the criteria to stand as a bailor for want of valuable security.

Learned counsel submitted that local bailors with sufficient means are ready to stand bailor for the petitioners' release in the present case. It was

further submitted that because of the stipulation of having to surrender before the Court below within six weeks from 18.03.2021 which could not be

complied with, the petitioners no. 1, 4, 6 and 7, namely, Laxman Manjhi, Prabha Devi, Sobha Devi and Manju Devi, respectively, have been arrested

and, thus, the petition stands restricted to petitioners no. 2, 3 and 5, namely, Prabhu Manjhi, Shambhu Manjhi and Bedami Devi, respectively.

6. Learned APP submitted that the petitioners were required to be vigilant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is inclined to allow the

prayer for the reason that the condition of the petitioners furnishing one of their close relatives as bailors cannot be satisfied because of their financial

position and thus, there is no deliberate or wilful laches on their part.

8. Accordingly, the judgment dated 18.03.2021 passed in Cr. Misc. No. 14334 of 2021 stands modified to the extent that in place of the condition that

one of the bailors shall be a close relative of petitioners no. 2, 3 and 5, it shall be a person who resides in the locality of petitioners no. 2, 3 and 5. As

the time allowed to surrender before the Court below for being released on bail has also expired, the same stands extended for a further period of six

weeks from today.

9. The rest of the terms and conditions of judgment dated 18.03.2021 passed in Cr. Misc. No. 14334 of 2021 shall remain unchanged.

10. The petition stands allowed in the aforementioned terms.