

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50940 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -KINJAR District- JEHANABAD

- =====
1. Ramashray Manjhi, Son of Jali Manjhi.
 2. Bipat Manjhi, Son of Late Mohan Manjhi.
 3. Heera Manjhi, Son of Late Chamarik Manjhi.
 4. Kamlesh Manjhi, Son of Govind Manjhi.
 5. Sohan Manjhi, Son of Ramsharan Manjhi.
 6. Krit Manjhi @ Kriti Manjhi, Son of Jhapas Manjhi.
- All resident of village - Barahmile, P.S. Kinjar, District. – Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.3053 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -KINJAR District- JEHANABAD

- =====
1. Bhajan Manjhi @ Bhajjan Manjhi, Son of Jalim Manjhi.
 2. Karu Manjhi, Son of Jalim Manjhi.
- Resident of Village : Barahmile, P.S. : Kinjar, District : Arwal.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.50940 of 2015):

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.3053 of 2016):

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 08-02-2016

Both the aforesaid applications arise out of Kinjar P.S.

Case No.37 of 2015 registered under Sections 302/34 of the Indian

Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The prosecution case is that Bora Bind, the uncle of the informant, Satyendra Bind, on 21.04.2015, in the morning at about 07.00 A.M. had gone from his house to take "Taadi". In the evening on the same day at about 04.00 P.M. when the informant and his father Kamresh Bind went in the field for bundling the wheat crops, then he heard the sound of crying. Thereafter, the informant alongwith his father Kamresh Bind reached there and found Bora Bind in an injured condition who disclosed about causing injury by the petitioners due to non payment of Rs.40/-, which was taken by him by the petitioner Karu Manjhi, and also throwing the hot water on his body by them. While Bora Bind was being taken to the hospital for treatment but he died on the way.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that the informant and his father were only present when the deceased Bora Bind disclosed about causing injury to him by the petitioners due to non payment of Rs.40/- as given to him by the petitioner Karu Manjhi. The father of the informant, namely, Kamresh Manjhi, has not been examined, which would appear from the case diary which is up to paragraph-68. It is further submitted that the post-mortem

examination of the dead body of the deceased Bora Bind was held on 22.04.2015 at 10.45 A.M. in which the time elapsed since death of the deceased has been shown as more than 12 hours while according to the informant the deceased was alive till 04.00 P.M. of 21.04.2015. In fact, due to some dispute, the informant has lodged this false case naming the petitioners and others. The petitioners are in custody since 28.05.2015.

Having regard to the facts and the circumstances of the case, the petitioners, above named, 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 Chief Judicial Magistrate, Jehanabad, in connection with Kinjar P.S. Case No.37 of 2015.

(Rajendra Kumar Mishra, J)

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