

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45033 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -SAHJAHANPUR District- PATNA

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Pinchu Manjhi son of Pairu Manjhi resident of Chhitar Bigha, Police Station
- Karai Parsurai, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.11.2015 in connection with Sessions Trial No. 218 of 2016,
arising out of Sahajahanpur P.S. Case No. 40 of 2015 registered
for the offence punishable under Sections 302 and 201 of the
Indian Penal Code.

The prosecution case, as lodged by the Chawkidar, is
that a dead body was found near the river, which was recovered
with the help of JCB machine and later on it was found that the
deceased was wife of the petitioner.

It has been submitted by the learned counsel for the
petitioner that there is no eye-witness to the alleged occurrence



and all the independent witnesses in paragraphs 20, 21, 22 and 23 of the case diary have stated that there was a fight between the petitioner and his wife for some money due to which the deceased-wife consumed poison. He submits that the petitioner has no criminal antecedent and the First Information Report has been lodged on the basis of suspicion and that no case under Section 302 of the Indian Penal Code is made out against him.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and the allegation upon him is of concealing the dead body of his wife after her death due to consumption of poison, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted and that the materials available do not reveal that petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, Patna City, Patna in connection with Sessions Trial No. 218 of 2016, arising out of Sahajahanpur P.S. Case No. 40 of 2015.

This direction for bail is, however, subject to the



condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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