

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40724 of 2016

Arising Out of PS.Case No. -23 Year- 2015 Thana -PIPRA District- PATNA

- =====
1. Dukh Haran Manjhi @ Dukharan Manjhi S/O Late Sukhdeo Manjhi
 2. Matiya Devi W/O Late Sukhdeo Manjhi Both resident of Village - Behrawan Chakiya Musahar Toli, P.S.- Pipra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-12-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under section 302/34 of the I.P.C

Allegedly, Nitish Kumar, the son of the informant, was found killed having injuries on his person and it is alleged that the petitioners and others have killed him by assaulting badly and threw his dead body besides the boundary only due to the reason that the deceased was having illicit relationship with the sister of petitioner no.1.

Submission is of false implication and that the petitioners are suffering in custody since 13.09.2015, there is no eye witness of the occurrence, no one has seen the petitioners committing crime, all the witnesses examined are hear say, as per



allegation the deceased was assaulted by member of mob, against the petitioners there is no specific allegation, petitioner no.2 is an old lady and mother of petitioner no.1 and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioners, there is no chance of tampering with the prosecution evidence and as such considering detention of the petitioners, now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Patna in Sessions Trial No. 486 of 2016 arising out of Pipra P.S. Case No. 23 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--

