

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31591 of 2017

Arising Out of PS.Case No. -53 Year- 2015 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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Rajesh Manjhi @ Rajesh Majhi Son of Late Kishun Manjhi @ Late
Ramkishun Manjhi, Resident of Village- Jharharwa, Police Station-
Valmikinagar, District- West Champaran (Bettiah).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 16.08.2017

Heard learned counsels for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The petitioner being the husband of the
victim has renewed the prayer for bail in a case registered for the
offences punishable under Sections 498A and 302 of the Indian
Penal Code, but subsequently on conclusion of investigation final
form (charge sheet) was submitted under Sections 498A and 304B
of the Indian Penal Code.

The prosecution case is that the daughter of
the informant was married with the petitioner five years prior to
lodging of the case. On 09.08.2015 at about 8-9 P.M., the
informant received information that his daughter, Urmila Devi is



unwell, upon which he began preparing to visit his daughter's, in-laws house, but in the meantime, he received information that his daughter committed suicide. It is also alleged that the petitioner used to assault the victim.

It is submitted by learned counsel for the petitioner that as per own admission of the informant, the victim committed suicide and the petitioner was not present in the house, when the victim committed suicide. This fact has been admitted by the witnesses during investigation and only on suspicion the accusation has been levelled.

Learned APP submits that the post-mortem of the victim reflects death due to "manual strangulation causing asphyxia" and on conclusion of investigation the final form (charge sheet) has been submitted under Sections 498A and 304B of the Indian Penal Code.

It is further submitted by learned counsel for the petitioner that the earlier bail application of the petitioner was rejected vide order dated 16.03.2016 passed in Cr. Misc. No. 9406 of 2016, with the observation 'at present'. However, learned trial Court was directed to expedite the trial. Statement has been made in paragraph 16 of the petition that charges have still not been framed. Paragraph 16 reads as follows:-



“That in spite of the order of this Hon’ble Court, contained in Annexure-1, the trial of the petitioner has not been concluded as yet. There is no progress in the trial. The charges have not been framed as yet. There is no chance of the conclusion of the trial of the petitioner in near future. It may be stated that the petitioner is in custody and is being produced in the court by the jail authority as and when required. There is no latches o the part of the petitioner I facing the trial. Therefore, the petitioner is renewing his prayer for bail before this Hon’ble Court.”

Considering the fact that the petitioner is languishing in custody since 12.08.2015, earlier bail application was rejected with observation ‘at present’ and the learned Court below was directed to expedite the trial, but still the charges have not been framed, which suggests that the trial is not likely to be concluded in near future, coupled with the fact that it is own admission of the informant in the FIR that the victim committed suicide and at the relevant time, the petitioner was not present at the place of occurrence, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate, Ist Class, Bagaha, West Champaran (Bettiah) in connection with Valmiki Nagar P.S. Case No. 53 of 2015.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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