

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32733 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -GAURICHAK District- PATNA

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1. Shailendra Manjhi & Ors S/o Dwarika Manjhi
2. Kanchan Devi @ Smt. Kanchan Kumari, W/o Shailendra Manjhi. Both are residence of Village- Khaira, P.S.- Gaurichak, District- Patna.
3. Luvkush Manjhi, S/o Mohan Manjhi, Resident of Village- Chati, P.S.- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek pre-arrest bail in connection with Gaurichak P.S. Case No. 64/2017 registered for the offences punishable under Sections 364 and 201/34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code has been added.

The prosecution case as lodged by the informant is that she went with her husband, Chandan Paswan(deceased) to her parental place during Holi festival and in the night of 11.03.2017 her husband went along with Laxman Manjhi but did not return.



After a while, the petitioner Laxman Manjhi came with slippers and towel of Chandan Paswan and told that there was fight between them and the said Chandan had run away. It is alleged that the petitioner Laxman Manjhi must have killed the informant's husband and concealed the dead body.

It has been submitted by the learned counsel for the petitioners that they are innocent, and the petitioners Nos. 2 and 3 have no criminal antecedents. Learned counsel for the petitioners further submit that they are not named in the F.I.R. and made accused on the confessional statement of one Laxman Manjhi before the police, which has no evidentiary value in the eye of law. It is further alleged that no overt act has been alleged by the said co-accused Laxman Manjhi in his confessional statement against petitioner Nos. 2 and 3 as allegation is only of catching hold of the hand and legs of the deceased.

However, learned counsel for the State opposes the prayer for bail stating therein that the petitioner No. 1 is alleged to have strangled the deceased Chandan Paswan by towel as alleged in the confessional statement of Laxman Manjhi.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant privilege of bail to the petitioners in connection with Gaurichak P.S. Case No. 64 of



2017, pending in the court of Sri Anant Kumar, learned Judicial Magistrate, Patna City, Patna.

Accordingly, prayer of anticipatory bail is rejected with a direction to the learned Court below that if the petitioners surrender in the Court below within six weeks and make prayer for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

Let, the Viscera report be returned through Registry to the learned court below under sealed cover.

(Nilu Agrawal, J)

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