

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16625 of 2017

Arising Out of PS.Case No. -744 Year- 2005 Thana -PHULWARI District- PATNA

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Punnu Manjhi, Son of Sukhlu Manjhi, Resident of Alipur, P.S.- Phulwari-Sharif, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. S.K. Lal,
Mr. Pritish Kumar Lal, Advocate

For the State : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 17-05-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner, who is in custody since 07.12.2015, has renewed his prayer for bail in connection with Phulwari Shariff P.S. Case No. 744 of 2005 having earlier been rejected by order dated 20.08.2016 in Criminal Miscellaneous No. 33032 of 2016.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as even according to the first information report, five accused persons are said to have assaulted the victim, and the accusation of assault by the petitioner is general and omnibus in nature. There was no intention to cause death of the victim as none of the accused persons was armed in any manner and the assault is said to have been made only with fists. There is no specific accusation that the victim was assaulted on her head and hence the injury is not corroborated. Even according to the FIR, the informant left his wife at home and went to Danapur to fetch his son and upon return at 4.00 P.M. he found his wife lying dead. It is, therefore, submitted that the ingredients of Section 304 of the Indian Penal Code are not made out.



4. Perusal of the post mortem report, as recorded in paragraph 46 of the case diary, discloses that no external injury was found on the person of the deceased. There was subdural haematoma on left side of the brain and the cause of death was head injury.

5. Having heard learned counsel for the petitioner and having regard to the nature of accusations and gravity of offence alleged, this Court sees no reason to take a different view in the matter. The bail petition stands dismissed.

6. Let the learned court below take steps for expeditious conclusion of the trial, preferably within a period of one year. In case the trial is not concluded within the said period of one year, the petitioner shall be at liberty to renew his prayer for bail.

(Vikash Jain, J)

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