

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26878 of 2017

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

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1. Laxman Manjhi son of Dasrath Manjhi resident of village - Khaira, P.S. Gaurichak, Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

The petitioner is languishing in jail since 16.03.2017 in a case 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 said 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 petitioner that he is innocent, do not bear any criminal history and no overt act has been alleged to have been committed by him. He submits that it is only on the basis of the confessional statement before the police that he has been made accused. Apart from that, there is no other allegation against the petitioner and he is in custody since more than five months.

However, learned A.P.P. for the State, vehemently opposes the prayer for bail stating therein that other co-accused have killed the informant's husband and disposed of his dead body which was recovered later on. However, Viscera report was sent for examination and report was called for from the Forensic Science Laboratory, Bihar, Patna wherein an examination on sign of poison has been found.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage 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.

The bail application is accordingly, rejected.

The petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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