IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52843 of 2016

Arising Out of PS.Case No. -332 Year- 2015 Thana -BODHGAYA District- GAYA

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KAIL MANJHI Son of Kedar Manjhi, Resident of Village -Dahariya Bigha P.S. - Bodh- Gaya, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 16-02-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 323 and 302 of the I.P.C and section ¾ of the Prevention of Witch Practice Act.

Allegedly, the petitioner and other eleven FIR named accused persons were assaulting the husband of the informant alleging that he had practiced witchcraft and when the informant went to rescue him she was also chased by them. Thereafter, information was given to Bodh Gaya police and when the husband of the informant was brought for treatment he was declared dead.

Submission is of false implication and that there is no specific allegation against the petitioner, the petitioner was merely

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a looker and he has been named, the petitioner is suffering in custody since 07.08.2016, as a matter of fact, the husband of the informant was habitual drinker and he has fallen in drunken state resulting he died, there is no chance of tampering with the prosecution evidence, charge sheet has already been submitted and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail of the petitioner.

In the facts and circumstances as stated above, considering that there is general and omnibus allegation and further there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Gaya in Bodh Gaya P.S. Case No. 332 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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