

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60167 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- BARABAR TOURIST District- Jehanabad

1. Govind Kumar @ Gobind Manjhi, S/o Basant Manjhi, R/o Vill.- Dhobichak, P.S.- Gurua, District- Gaya.
2. Shishu Manjhi @ Shishu Mandal, S/o Lakhan Manjhi @ Lakhan Mandal, R/o Matua Tola Bala par, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dileep Kumar Jha, Advocate.
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-11-2018 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in Barabar Tourism (Bishunganj O.P.) P.S. Case No. 10 of 2018 instituted for the offence under Section 302/34 of the Indian Penal Code.

In the written report there is allegation against the petitioners that they along with other accused persons assaulted the informant with fists and slaps when he did not give money to them. It is further alleged that petitioners along with other accused persons also assaulted Nanhak Manjhi and forcibly put sand in his mouth when he came to rescue the informant, on account of which, he died on the spot. Thereafter, the accused



persons fled away from the place of occurrence.

Case diary has been received.

Post mortem report is available in the case diary wherein the Doctor has found swelling over the face and lips. Sand was found in the mouth and Buccal cavity as well as around both the ears of the deceased. The Doctor has opined the cause of death due to Asphyxia caused by C.R. failure.

This Court finds that there is specific allegation against the petitioners in the written report that they brutally assaulted Nanhak Manjhi and forcibly put sand in his mouth, on account of which, he died on the spot.

Therefore, this Court is not inclined to grant bail to the petitioners at this stage.

Prayer for bail of the petitioners stands rejected.

The trial court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of copy of this order.

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(Sanjay Priya, J)



