

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26631 of 2018

Arising Out of PS. Case No.-506 Year-2016 Thana- MASAUHRI District- Patna

Badaru Manjhi, Son of Niranjana Manjhi, Resident of Village- Basdih, P.S.-
Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner along with other co-accused had earlier moved this Court for grant of bail, which was rejected vide order dated 12.10.2017, passed in Cr. Misc. No. 41738 of 2017.

Petitioner is languishing in judicial custody since 24.03.2017 in connection with Sessions Trial No. 514 of 2017, arising out of Masaurhi P.S. Case No. 506 of 2016 for offences punishable under Sections 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while she and her daughter were sleeping in the house, the petitioner and two others entered her house in the night and tried to commit rape, but on *hulla* they fled away. In the evening,



when her uncle Vinesh Manjhi (deceased) saw co-accused Niranjan Manjhi and objected to the incident, he gave *khanti* blow, which has come during course of investigation. Subsequently, her uncle Vinesh Manjhi succumbed to the injuries during course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case just because he is the son of said Niranjan Manjhi. He submits that no overt act has been committed and specific allegation is on Niranjan Manjhi of inflicting *khanti* blow on the deceased. He further submits that charges have been framed and petitioner undertakes to cooperate in the trial on day-to-day basis and not to tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with other co-accused has assaulted the informant's uncle.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge CBI-I cum Addl. Sessions Judge-V, Patna, in



connection with Sessions Trial No. 514 of 2017, arising out of Masaurhi P.S. Case No. 506 of 2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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