

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19653 of 2017

Arising Out of PS.Case No. -20 Year- 2013 Thana -SAHEBGANJ District- MUZAFFARPUR

=====

Kishori Manjhi Son of Late Gyani Manjhi, Resident of Village- Shahpur
Patti, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the State : Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

7 09-05-2018 Perused the explanation of Mr. Satyendra Nath Thakur, Principal Judge, Family Court, Banka who was the then Additional District and Sessions Judge 3rd, Muzaffarpur, dated 21.03.2018.

2. The explanation being satisfactory is accepted. However, in view of his report, let Mr. Ved Prakash Singh, the then Additional District and Sessions Judge 3rd, Muzaffarpur seems to have blatantly flouted the order of the Court. Thus, let an explanation be called from Mr. Ved Prakash Singh, the then Additional District and Sessions Judge 3rd, Muzaffarpur, in terms of the direction of the Court dated 31.01.2018, to show cause as to why he had deliberately and wilfully disobeyed the order of the



Court dated 12.04.2016 in Cr. Misc. No. 2022 of 2015. The same be submitted within four weeks.

3. The District and Sessions Judge, Muzaffarpur shall forward the order of the Court to Mr. Ved Prakash Singh, if he has been posted outside Muzaffarpur, to his present place of posting.

4. In the meantime, call for a report from the Court below with regard to the status of the trial. If it transpires that the trial has not been conducted in a manner as required in terms of the previous order, this Court may take serious view of the same against the trial court. The report be submitted within three weeks.

5. Registry shall communicate the order through Fax also latest by tomorrow.

6. Heard learned counsel for the petitioner and learned A.P.P. for the State.

7. The petitioner seeks bail in connection with Sahebganj P.S. Case No. 20 of 2013 dated 31.01.2013 instituted under Sections 302/34 of the Indian Penal Code.

8. This is the third attempt of the petitioner for bail as earlier such prayer was rejected by order 03.09.2014 in Cr. Misc. No. 33524 of 2014 and order dated 12.04.2016 in Cr. Misc. No. 2022 of 2015.



9. Learned counsel for the petitioner submitted that he is almost 75 years old and being Ex. Mukhiya, has been falsely implicated. It was further submitted that there is no allegation of the petitioner alone assaulting the deceased as it has been stated that 30-35 persons had come, in which the petitioner along with some others have been named. Learned counsel submitted that the petitioner is in custody since 18.04.2014. It was further submitted that as of now, only charges have been framed but without any prosecution witness having been examined. It was further submitted that the petitioner shall co-operate in the trial.

10. Learned A.P.P. submitted that the petitioner has been named by the informant, who is the wife of the deceased. However, with regard to there being any specific or individual overt act attributed, learned A.P.P. admits that there is no such allegation and further that as per the story in the F.I.R., 30-35 persons had gathered armed with various weapons.

11. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Muzaffarpur in Sahebganj P.S. Case No. 20 of 2013



corresponding to Sessions Trial No. 366 of 2016, subject to the condition that the petitioner shall co-operate in the trial and appear on each and every date fixed in the case and upon failure to do so without sufficient cause, his bail bond shall stand cancelled and he shall be taken into custody.

12. For the purpose of considering the explanation of the officer concerned and also the report from the trial court, the matter be listed after the annual vacation.

(Ahsanuddin Amanullah, J)

Anjani/-

U		T	
---	--	---	--

