

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4400 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- PAHARPUR District- East Champaran

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Yogi Manjhi , son of Bhutali Manjhi, resident of village- Noneya Mushari
Tola, P.S. Paharpur, District- East Champaran

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 28-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Paharpur P.S. Case No. 257 of 2018 registered for the
offences punishable under Sections 341, 323, 302, 504/34 of the
Indian Penal Code.

Informant has alleged that on 23.09.2018 at 8:00
P.M. in the evening while he was taking food and his wife was
sitting beside him in the meantime petitioner along with co-
accused as named in the F.I.R. came there and after abusing
started assaulting his wife. It is further alleged that when he tried
to protect his wife thereafter petitioner assaulted his wife on her
abdomen with legs then his wife fell down and after some time
she died.

It has been submitted on behalf of the petitioner that



he is innocent and has committed no offence. He has been falsely implicated in this case due to family dispute. Petitioner and informant are full brother. The wife of the informant was sick lady having feeble physical feature and she died of heart failure. In the post mortem report, doctor found the cause of death due to C.R. failure. Petitioner has no criminal antecedent and is in custody since 23.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 257 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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