

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12521 of 2019**

Arising Out of PS. Case No.-35 Year-2017 Thana- HULASGANJ District- Jehanabad

1. MANOJ MANJHI Son of Kariman Manjhi,
2. Masudan Manjhi, Son of Manoj Manjhi,
3. Kariman Manjhi, Son of Manoj Manjhi,
All resident of Village- Banwari, P.S. Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 17-04-2019 Heard learned counsel for the petitioners and the
State.

The petitioners seek bail in **Hulasganj P.S. Case No. 35 of 2017**, instituted for the offence under Section (s) 341, 323, 307, 504 and 506/34 of the Indian Penal Code. Subsequently, Section 302 Indian Penal Code was added.

Prayer of the petitioners for grant of bail was earlier rejected by this Court vide order dated 9.10.2018 passed in Cr. Misc. 58631 of 2018.

Counsel for the petitioners submits that there is general and omnibus allegation against the petitioners. The allegation against the petitioners does not find corroboration



from the post mortem report.

Report was called for from the court below which has been received. From the report it appears that the case is fixed for 3.4.2019 for evidence of prosecution witnesses after framing of charge on 19.11.2018, but not a single witness has been examined in the case. The court below has mentioned in the report that one year time is likely to be taken in conclusion of trial.

Counsel for the petitioners submits that other co-accused persons with similar allegation have already been granted bail by coordinate Bench of this Court vide order dated 8.10.2018 passed in Cr. Misc. 57337 of 2018.

It is alleged in the written report that on the date of occurrence the petitioners along with other co-accused assaulted the informant on her head, forehead, with brick, *lathi*, *danda*, causing injury on several parts of her body. The informant subsequently died. The post mortem report has been enclosed as Annexure-3 wherein the Doctor has opined the cause of death on account of cardio respiratory failure due to Asphyxia by throttling of neck.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed.



Let the petitioners above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Jehanabad,** in connection with **Hulasganj P.S. Case No. 35 of 2017,** subject to the condition that both the bailors will be the close relatives of the petitioners with further conditions which are as follows:

(i) Petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioners will liable to be cancelled and (iii) if petitioner tamper with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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