

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34521 of 2019**

Arising Out of PS. Case No.-248 Year-2018 Thana- DHARHARA District- Munger

Santosh Manjhi, aged 33 years, male Son of Late Ram Lal Manjhi Resident of
Village - Khirodharpur, P.S. - Dharhara, Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34522 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- DHARHARA District- Munger

Matuki Yadav, aged 50 years, male Son of Basudev Yadav Resident of
Village- Nimiya Tand, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34521 of 2019)

For the Petitioner/s : Mr.Jyoti Ranjan Jha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

(In CRIMINAL MISCELLANEOUS No. 34522 of 2019)

For the Petitioner/s : Mr.Jyoti Ranjan Jha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners who are both in custody since
25.09.2018 have filed the instant application for grant of bail in
connection with Dharhara P.S. Case No. 248 of 2018 (Sessions
Trial No.24 of 2019) registered for the offence punishable under
sections 302,120B,201,363 and 370 of the Indian Penal Code.

As per the allegation in the FIR, son of the
informant left the house on 18.09.2018 at 4 P.M. but did not



return to his house.

It is submitted by learned counsel for the petitioners that the name of the petitioner-Santosh Manjhi transpired in course of investigation on the confessional statement of Matuki Yadav. It is submitted that even from the said confessional statement before the police, no role has been assigned to the petitioner Santosh Manjhi. It is further submitted that even accepting the allegations, offence only under section 201 of the IPC is made out against the petitioner Santosh Manjhi. As section 201 of the IPC is bailable, the petitioner Santosh Manjhi be enlarged on bail. It is further submitted that co-accused Rana Yadav is said to have been enlarged on bail vide order dated 30.04.2019 in Cr. Misc. No.8653 of 2019. The investigation has concluded and the petitioners are in custody since 25.09.2018.

It is submitted by learned counsel for the informant that on the basis of the confessional statement of the petitioner Matuki Yadav the dead body which had been cut into pieces was recovered from the house of the petitioner Santosh Manjhi. It is further submitted by learned counsel for the informant that three prosecution witnesses have been examined and only five prosecution witnesses remain to be examined. It is submitted



that the informant is ready to get prosecution witnesses examined on day to day basis.

The application for bail was also opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that on confessional statement of Matuki Yadav, the dead boy of the deceased was recovered from the house of Santosh Manjhi, this Court is not inclined to grant bail to the petitioners and as such the petitioners' application for bail is rejected.

The court of lerned Sessions Judge, Munger where S.Tr.No.24 of 2019 (arising out of Dharhara P.S.Case No.248 of 2018) is pending, is directed to expedite the trial and conclude the same within a period of six months from the date of receipt or production of this order. In case any of the official witness do not appear and an order directing for their appearance is passed by the trial court, the Superintendent of Police, Munger will ensure their appearance.

(Partha Sarthy, J)

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