

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75279 of 2018

Arising Out of PS. Case No.-30 Year-2014 Thana- RANIYATALAB District- Patna

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Akhilesh Manjhi, S/o Sureshwar Manjhi, Resident of Village- Chihuta, P.S.
Rani Talab, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
09.07.2018 in a case registered for the offence punishable
under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report dated 26.03.2014 submitted by Dhaneshwar
Manjhi to the Station House Officer, Ranitalab Police Station
is to the effect that the informant's daughter, namely, Lakshmi
Devi was married with the petitioner Akhilesh Kumar about 15
years prior to lodging of the case. On 25.03.2014, one Kari
Devi went to Ranitalab and informed the informant that her
daughter has been killed by the petitioner and other co-
accused. After having received such information, on the same



day, the informant went to the in-laws house of her daughter and found her daughter missing. On enquiry being made from the nearby people, the informant came to know that her daughter has been killed by the accused persons, including the petitioner and her dead body has been disposed of.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the informant is not an eye witness to the occurrence. During investigation also, no eye witness has come forward to support the accusation levelled in the FIR. However, it transpired during investigation that there was a quarrel between the petitioner and the victim, as a result, she consumed poison and thereafter medical assistance was provided to the victim, but she could not survive. Hence, even assuming the accusation to be true, at best, the case under Section 306 of the IPC is made out against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that statement of neighbour of the informant, namely Ramesh Manjhi has been recorded at paragraph no.21 of the case diary, wherein he has stated that



there was a quarrel between the husband and wife, as a result, the victim consumed poison. However, the victim was taken to hospital for providing medical assistance, but she could not survive and thereafter the dead body was disposed of.

Considering the accusation it appears that the informant is not an eye witness to the occurrence and the evidence collected during investigation suggests, at best *prima facie*, case of abetment, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 Judicial Magistrate, 1st Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 30 of 2014.

(Dinesh Kumar Singh, J)

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