

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77715 of 2018

Arising Out of PS. Case No.-481 Year-2015 Thana- GAYA MUFASIL District- Gaya

Kurhan Manjhi Son of Dasu Manjhi Resident of Village-Eguna, Police
Station Muffasil, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Muffasil P.S. Case No. 481 of 2015 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The allegation of informant is that, on 31.12.2015, in the evening, he received information to the effect that his brother Ramswaroop Chaudhary has been killed in the village Eguna by Bindu Manjhi, Shakindra Manjhi @ Sikandra Manjhi and Kurhan Manjhi (petitioner). Thereafter, he went at the house of Bindu Manjhi and made query to Bindu Manjhi but he showed his ignorance then he anyhow entered in the house of Bindu Manjhi and found bloodstain cloths and axe in the room. Thereafter, he entered in another room and after removing the soil found the dead body of his brother Ramswaroop Chaudhary



and plastic rope was tied in the neck of his brother. Thereafter, informant along with villagers caught hold Bindu Manjhi and gave information to the police.

Learned counsel for the petitioner submits that while the allegations has been made against the petitioner along with two others named in the F.I.R. to kill the brother of the informant but no specific overt act has been attributed against the petitioner. It has further been submitted that petitioner has falsely been implicated in this case mere on suspicion. Petitioner has no criminal antecedent and he is in custody since 30.07.2016. Similarly placed co-accused has already been granted bail as contained in Annexure-2.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 481 of 2015, with following 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 the Court and his absence on two



consecutive dates without sufficient reason, 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)

Sanjay/-

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