

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8271 of 2020

Arising Out of PS. Case No.-404 Year-2018 Thana- SARAIYA District- Muzaffarpur

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MOHAN MANJHI Son of Late Rajendra Manjhi Resident of Village -
Ufaroul, P.S.- Saraiya, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad
Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The petition has been taken up for consideration through
the mode of Video conferencing in view of the prevailing
situation on account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel appearing for the petitioner and
Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Saraiya P.S. Case No. 404 of 2018 registered
for the offence punishable under Sections 302, 376 and 201/34
of the Indian Penal Code.

The case of the prosecution in brief is that in the evening
of 7.9.2018, the wife of the informant is stated to have gone to
the market for purchasing some household articles, but she did



not return, whereafter in the morning of 8.9.2018, the informant had gone to his in-laws place, in search of his wife, where he came to know that the dead body of his wife was lying in the field of one Manikant Chaudhary. The informant is stated to have then reached at the said field and found that the dead body of his wife was lying in a naked condition. The informant has alleged that the petitioner and other co-accused persons had killed his wife after committing rape with her on account of certain previous disputes.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present and he is having a clean antecedent. It is further submitted that though the date of occurrence of 7.9.2018 and the dead body was recovered in the morning of 8.9.2018, the FIR has been filed belatedly on 9.9.2018 in a pre-planned manner to falsely implicate the petitioner and other accused persons. It is further submitted that there is no material on record to show the complicity of the petitioner in the alleged crime.

I have heard the learned counsel for the parties, considered the submissions made by the learned counsel for the petitioner and perused the materials on record as also in the case diary. A bare perusal of the case diary shows that the police,



upon investigation, has not found any material to substantiate the allegation of rape of the deceased and moreover, prima facie, there appears to be minuscule evidence to connect the petitioner with the alleged crime inasmuch as there is no eye-witness to the occurrence and the allegation levelled against the accused persons including the petitioner herein is required to be established during the course of trial on the basis of circumstantial evidence, hence, benefit of doubt can be given to the petitioner for the purposes of grant of anticipatory bail, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st (West), Muzaffarpur in connection with Saraiya P.S. Case No. 404 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police



station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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