

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21221 of 2020**

Arising Out of PS. Case No.-243 Year-2018 Thana- BELAGANJ District- Gaya

=====

BIRENDRA MANJHI @ INDU MANJHI Son of Munash Manjhi Resident of  
Village - Gawrapur Bhuitoli, P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shivendra Prasad, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      03-09-2020      Heard the learned counsel for the petitioner  
and Ms. Anita Kumari Singh, the learned APP for  
the State.

The petitioner seeks regular bail in connection  
with Belaganj P.S. Case No. 243 of 2018, registered  
for the offence punishable under Sections 302/34  
of the Indian Penal Code and Section 27 of the  
Arms Act.

The case of the prosecution in brief, according  
to the informant, is that on 13.08.2018, when her  
husband did not return to his home till 9:00 PM.,  
she had made a phone call to him, whereupon he  
replied that he would reach home within 10



minutes, but still he did not come in the night, whereafter the informant along with her family members had conducted an extensive search, but could not get any information and on the next day, they were informed that the body of the husband of the informant was lying at the alleged place of occurrence and his motorcycle was also lying there, whereupon the informant and her family members had gone there and identified the dead body of the husband of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 19.10.2019. It is further submitted that there is no eye-witness to the alleged occurrence and no material whatsoever has been collected by the police during the course of investigation to show the complicity of the petitioner herein except his confessional statement, which has got no evidentiary value in the eyes of law. It is further submitted that the



petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that there is no eye-witness to the alleged occurrence and minuscule evidence has been collected by the police during the course of investigation, as is apparent from the case diary qua the petitioner herein, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 19.10.2019, I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned ACJM XI, Gaya in connection with Belaganj P.S. Case No. 243 of 2018.

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 regular bail shall stand cancelled automatically.

**(Mohit Kumar Shah, J)**

Ajay/-

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