

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26901 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- VAISHALI District- Vaishali

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SUMAN MANJHI @ SAMMAN MANJHI @ SUMMAN MANJHI Son of
Late Paltan Manjhi Resident of Village - Putadih Khurd, O.P.- Belsar, P.S.-
Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Namrata Mishra

For the Opposite Party/s : Ms. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-10-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Vaishali (Belsar O.P.) Police Station Case No. 233 of 2019,

registered for the offence punishable under Section 302/34 of

the Indian Penal Code.

The allegation, as per the First Information Report, is

that the husband of the informant (now, deceased) had gone to

Chennai along with his co-villager, Muneshwari Manjhi, about

two months back from the date of lodging of the First

Information Report in order to earn livelihood. It has further

been alleged that near about 15 days ago, the deceased returned



to his village in injured condition and told the informant and other villagers that Samman Manjhi (petitioner) and Dhanpat Manjhi assaulted him with bricks and lathi and threw the petitioner into the water, due to which he received injuries in his chest and ribs. It has further been alleged that on 26.06.2019, while the deceased, along with his wife, proceeded towards Belsar from the Primary Health Centre, blood oozes out of the mouth and nose of the deceased and subsequently he died.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. She further submits that from perusal of the First Information Report, it would be evident that the deceased had gone to Chennai along with one Muneshwar Manjhi. She further submits that the deceased was being treated at Primary Health Centre and after being discharged from Primary Health Centre, blood oozes out of the mouth and nose of the deceased and he died due to his bad medical condition. She further submits that the allegation of assault upon the deceased by the petitioner is completely false and concocted. She further submits that from perusal of the impugned order, it would be evident that the post-mortem report does not support the prosecution case and viscera



has been preserved for examination in order to come to a conclusion about the cause of death of the deceased. She further submits that charge sheet has already been submitted in this case and as such there is no probability that the petitioner will abscond or tamper with the evidence. She further submits that the petitioner is in custody since 03.08.2019.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that charge sheet has already been submitted against the petitioner and the petitioner is in judicial custody since 03.08.2019, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Vaishali (Belsar O.P.) Police Station Case No. 233 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be



cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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