

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27295 of 2020**

Arising Out of PS. Case No.-149 Year-2019 Thana- MASHRAK District- Saran

MAHESH MANJHI Son of Late Salukat Manjhi Resident of Village-
Khiranpur, P.S.- Mashrakh, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harish Kumar,Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 15-12-2020 Heard learned counsel for the petitioner and Ms.
Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mashrakh (Masrak) P.S. Case No. 149 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report altogether 7 named accused persons were abusing the father of the informant, all of them were lashed with lathi and danda. It is alleged that on the instigation of co-accused Ganesh Manjhi, this petitioner caught hold of the father of the informant by his collar and started pulling him and this petitioner had forcibly put the father of the informant down on the earth which caused injury and ultimately



he died.

Learned counsel submits that it is a case of false implication and there is no eye-witness to the alleged occurrence, though the occurrence is said to have taken place at 06:00 A.M. during the summer days. It is further submitted that in the post mortem report no injury at all has been found by the doctor examining the dead body and the doctors have stated that the exact cause of death could not be ascertained. It is submitted that the claim of the informant that there was injury because of putting down of the father has not been substantiated either by any independent witness or by the post mortem report. It is also submitted that police has chargesheeted the petitioner under Section 304 IPC after finding that there was no intention on the part of the petitioner to kill the father of the informant.

Ms. Meena Singh, learned APP for the State has though opposed the prayer for regular bail of the petitioner but on query made by this Court learned APP has stated that in the case diary there is no independent witness of the village and it is a matter of record that the post mortem report does not show any injury on the body of the deceased and no cause of death has been ascertained.

Having regard to the facts and circumstances of the



case and in the nature of the submission noticed by this Court hereinabove, wherein there is no independent witness to support the alleged occurrence coming in the case diary and then no injury found on the body of the deceased, this petitioner is in custody since 21.02.2020 and has been chargesheeted under Section 304 IPC, trial is not likely to be concluded in near future and there is no submission on behalf of the State that the release of this petitioner at this stage would result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-VI, Saran at Chapra in connection with Mashrakh P.S. Case No. 149 of 2019 , subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

