

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28838 of 2020

Arising Out of PS. Case No.-752 Year-2018 Thana- ALAMGANJ District- Patna

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MANOJ MANJHI @ GOLDEN Son of Late Ramdeo Manjhi Resident of
Mohalla- Pallavi Nagar, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr. Iftekar Mohammad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at

length on 15.12.2020 and the instant case has been listed today
(17.12.2020) under the heading “For Orders”.

The petitioner seeks regular bail in connection
with Sessions Trial No. 5 of 2020 arising out of Alamganj P.S.
Case No. 752 of 2018 for the offence punishable under Sections
303 and 201 of the Indian Penal Code.

The allegation levelled by the informant is that in
the night of 16.12.2018, she was sleeping with her son at her
house, however, subsequently she found that her son was
missing, whereafter search was made but he could not be
traced. It is alleged that some unknown persons have taken
away her son.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 21.12.2018. The learned counsel for the petitioner, by referring to order dated 24.07.2019 passed by the learned court below in the earlier bail petition, filed by the petitioner, has submitted that the petitioner was granted liberty to renew his prayer for bail, after framing of charge, which has also now been framed on 04.02.2020, hence, the petitioner be granted the privilege of bail.

Per contra, the learned APP appearing for the State has submitted that as per the re-statement of the informant, quarrel had taken place in between her and the petitioner herein, who is her husband, especially on account of the fact that the petitioner did not use to bear the expenses for her and her children food and again on 16.12.2018, in the evening, the petitioner had come to the house completely intoxicated, whereupon he had engaged in abusing the informant and in the night at about 3 AM when the informant got up, she found her two year child missing, whereafter search was made and when the son of the informant was not found, the informant had told the petitioner to go to the police station but he stated that he will not go to the police station, leading to



lodging of the present case by the informant. The learned APP has further submitted that the petitioner has confessed his guilt and has stated that he had pressed the neck of his son under the influence of liquor, whereafter he had thrown his dead body in the canal. It is also submitted that the post-mortem report shows the cause of death of the deceased child due to asphyxia by strangulation, which further demonstrates the complicity of the petitioner in the alleged crime and moreover, the dead body of the child has also been recovered from the canal. It is also contended by the learned APP for the State that in paragraph No.-14 of the case diary it has been mentioned that the CCTV footage of the CCTV installed near the canal shows that on the alleged date of occurrence at about 2- 2:30 AM, the petitioner was going with a dead body of a child, which further corroborates the complicity of the petitioner in the alleged crime.

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that the complicity of the petitioner in the alleged occurrence is writ large on the records, hence I do not find the present case to be a fit case for grant of bail, thus the



present petition stands dismissed.

(Mohit Kumar Shah, J)

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