

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31301 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- WARISLIGANJ District- Nawada

KARKU MANJHI Son of Baiju Manjhi Resident of Village - Kochgawn
(Naya Nagar Manjhi Tola), Police Station - Warsaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 02-12-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks
after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case for the offence registered
under Section 302 of the Indian Penal Code.

Prosecution case in short is that due to petty feud of pouring
colour on the occasion of Holi, an altercation took place between the
parties and in consequence thereof, the petitioner cut the throat of
informant’s husband with sickle as a result of which, the husband of
the informant died.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner is in custody since 12-03-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner has been falsely implicated in the present case. The alleged occurrence is said to have taken place at 8.30 p.m. The source of identification was not disclosed by the prosecution, which makes the prosecution itself doubtful.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is direct allegation of assault alleged against the petitioner for using sickle (Hasuli) for cutting the neck of the deceased. The postmortem report also corroborates with the allegation made in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail of the petitioner. Accordingly prayer for bail of the petitioner in connection with Warisaliganj P.S. Case No. 70 of 2020 is rejected.

Learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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