

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33673 of 2020

Arising Out of PS. Case No.-49 Year-2018 Thana- NALANDA District- Nalanda

PREMAN MANJHI @ PAREMAN MANJHI, aged about 27 years, Male,
Son of Chanerak Manjhi @ Chandirak Manjhi, Resident of Village- Kharjama
(Panhesa), P.S.- Nalanda, District- Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Chandra, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 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 defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Section 302 of the I.P.C.

The prosecution story, in brief, is that on 24.03.2018
at about 10.30 P.M. in the night, a hot discussion had taken



place in between the husband of the informant and her nephew Preman Manjhi @ Pareman Manjhi (petitioner) and in course of that, Preman Manjhi @ Pareman Manjhi (petitioner) assaulted with the *Spade* on the head of the husband of the informant, as a result of which, he died.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.05.2018. The petitioner has got no criminal antecedent. Charge has been framed in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Earlier the bail application of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 10718 of 2019 under order dated 03.07.2019, annexed as Annexure-1 to the present application, with an observation 'at this stage'. It has further been submitted on behalf of the petitioner that a hot discussion had taken place between the petitioner and the deceased and on the spur of the moment, the petitioner is alleged to have given *Spade* blow on the head of the deceased. The petitioner had no intention to commit murder of the deceased. At best, from the perusal of the F.I.R. itself, it appears that it is a case for an offence under Section 304 (II) of the I.P.C.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, Nalanda at Biharsharif, in connection with S.T. No. 507/18, arising out of Nalanda P.S. Case No. 49/18).

(Sudhir Singh, J)

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