

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73919 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- MOKAMA RAIL P.S. District- Patna

Shambhu Manjhi, Gender-Male, aged about 32 years, son of Dasharat Manjhi
Resident of - Kolia City (Koila Saiding), P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bibhuti Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Bishwa Bibhuti Kumar Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with G.R.P. Mokama P.S. Case No.41 of 2019 dated 25.04.2019 instituted under Sections 341, 323, 326, 307, 379, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he had stabbed the informant by knife, whereas, co-accused is said to have snatched away gold chain from him.



5. Learned counsel for the petitioner submitted that the allegation is false and that there was a fight between the two sides for which there is also a counter case filed by the petitioner against the informant. It was submitted that the counter case filed is prior to the present case, though, on the same day. Learned counsel further submitted that the petitioner is in custody since 26.04.2019. It was submitted that petitioner has no other criminal antecedent.

6. Learned APP, from the case diary of both the present case as well as the counter case (G.R.P. Mokama P.S. Case No.41 of 2019 dated 25.04.2019 and G.R.P. Mokama P.S. Case No.40 of 2019 dated 25.04.2019, respectively), submitted that in the present case the petitioner had inflicted knife blow in the chest and it has been found to be grievous and there is one other injury from the knife, which clearly indicates that repeated knife blows were given. Learned counsel submitted that in the counter case filed by the petitioner, the police has not found the allegation to be true and further, the injury is also said to be simple caused by hard and blunt substance. Learned counsel drew the attention of the Court to the fact that in the FIR itself it has been stated that the petitioner had come out of prison after serving sentence, upon conviction in another case, but in the



application it has been stated that the petitioner has no other criminal antecedent. It was, thus, submitted that false statement has been made in the case on behalf of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

9. Before parting, the Court deems it appropriate to direct the Court below to obtain a report from the Senior Superintendent of Police, Patna, with regard to the antecedent of the petitioner, more so, in view of the statement made in the FIR of the present case that he had come out of jail after serving out the sentence upon conviction in another criminal case. If it is found to be correct, the Court below shall transmit a copy of the report to the Registry of this Court, which, upon receipt of such report from the Court below, shall list the matter before the Bench for appropriate orders.

(Ahsanuddin Amanullah, J)

J. Alam/-

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