

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79345 of 2019**

Arising Out of PS. Case No.-30 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

NEPALI MANJHI S/o Funna Manjhi R/o village- Azad Bigha, P.S.-
M.M.C.H., District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

5 24-06-2020 The matter has been taken up through virtual Court proceeding.

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

It appears that vide order dated 6.3.2020, a co-ordinate bench of this Court called for a report with regard to the present stage of the trial in the present case, but it appears from the office note dated 29.5.2020, that the same has still not been received. Since the Court proceeding in physical mode is not functional due to present pandemic Covid-19, this matter is being disposed of on the basis of materials available on record.

The petitioner is languishing in jail since 30.1.2019 in a case registered for the offence punishable under Section 302 of



the IPC.

The prosecution case, as per the fardbeyan of Dulariya Devi recorded by SI Kumkum Kumari of M.M. Police Station, Gaya on 29.1.2019 at 9.00 A.M., is to the effect that on 28.1.2019 at about 12.00 A.M., while the informant along with her husband Phunna Manjhi ws sleeping in the hutment adjacent to their house when in the background of some domestic dispute, the husband of the informant started abusing her, in the meantime, the petitioner Nepali Manjhi, son of the informant and victim, entered into the house and assaulted his father and the husband of the informant with lathi, causing bleeding injury, as a result, the husband of the informant died.

It is submitted by learned counsel for the petitioner that in hit of moment, the petitioner, in order to save his mother from the abuse of his father, intervened and assaulted his father. It is further submitted that the petitioner had no intention to kill his father. The investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.



Considering the fact that this is a peculiar case where the son has killed his father, though in the background of saving his mother from the abuse of his father but from the postmortem report it appears that several injuries on the head and other parts of the body of the victim have been found, that does not suggest the proportionate excuse by the son against father. In the circumstances, this Court is not inclined to grant bail to the petitioner for the present in connection with M.M.C.H. P.S. Case No. 30 of 2019 pending in the Court of the learned ACJM-IV, Gaya.

Prayer of the petitioner for bail is rejected.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

