

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22492 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- JAMUI District- Jamui

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AALU MANJHI @ DIPAK MANJHI S/O Doman Manjhi R/o village
Kalyanpur P.S. and District Jamui.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Rewti Kant Raman, Advocate.
For the State : Mr. Yogendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.352 of 2019 registered with Police Station-Jamui for the offences punishable under Sections 341, 302 read with Section 34 of the Indian Penal Code by this application is seeking his release on bail during the pendency of the trial.

The applicant is behind the bars from 15.06.2020. It is reported that the charge-sheet has already been filed.

Heard learned counsel appearing for the applicant/accused. He submits that the version of the first informant as well as of the eye witness is not gaining support from the case of the prosecution. Even if the evidence of the prosecution witnesses is accepted, no offence under Section 302 of the Indian Penal Code is made out.

The learned Prosecutor opposed the application by



contending that the applicant along with co-accused has committed the murder of the deceased Basant Manjhi.

I have considered the submissions so advanced and also perused the F.I.R. as well as the charge-sheet and the report of the post-mortem.

The first informant is widow of the deceased. She averred that a day earlier to the incident the main accused Choumin Manjhi had been to her house and she had driven him out of the house. She further averred that on the next morning, Choumin Manjhi came to her house and her husband had questioned Choumin Manjhi regarding the incident that happened a day earlier. Thereupon said Choumin Manjhi along with the applicant Aalu Manjhi alias Dipak Manjhi had assaulted Basant Manjhi and by lifting him had thrown Basant Manjhi on the Hand pump causing the death of Basant Manjhi. There are eye witness to the incident such as Jaagi Manjhi etc.

Perusal of the Post-mortem report shows that not a single injury was found on the person of the deceased. The autopsy surgeon has opined that cause of death could not be established.

Prima facie, no case for the offence punishable under Section 302 of the Indian Penal Code is made out and



investigation is already over. The charge-sheet is already filed.

Hence, the order:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.352 of 2019 registered with Police Station-Jamui for the offences punishable under Sections 341, 302 read with Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:
 - (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
 - (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail



granted to the applicant in the instant case.

The applicant to remove all office objections forthwith
and the Registry to issue bail-writ as per this order only after
removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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