

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25536 of 2021

Arising Out of PS. Case No.-139 Year-2019 Thana- PARAIYA District- Gaya

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1. Rinki Devi, W/o Sharwan Manjhi @ Sarwan Manjhi Resident of Village- Shahwazpur, P.S.- Tekari, District- Gaya.
 2. Sharwan Manjhi @ Sarwan Manjhi, S/o- Bhagat Manjhi, Resident of Village- Shahwazpur, P.S.- Tekari, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2021 Heard learned counsel for the petitioners and Md. Fahimuddin, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Paraiya P.S. Case No. 139/2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code. They are in custody since 16.01.2021 having no criminal antecedent.

Learned counsel for the petitioners submits that one Shanti Devi (deceased) was allegedly in love with another deceased namely Kundan Manjhi @ Taini. As per the First Information Report, Shanti Devi was married to one Balmeshwar Manjhi, but she had left her husband and had eloped with Kundan Manjhi @ Taini. It is alleged that the



husband, Dewar and father-in-law of Shanti Devi were threatening the deceased Kundan Manjhi @ Taini and after some time the dead body of Shanti Devi and Kundan Manjhi @ Taini were found hanging with a Babul Tree.

Learned counsel submits that in the First Information Report there are general and specific allegations against all the accused persons. The co-accused who are husband, Dewar and father-in-law of deceased Shanti Devi have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 20323/2020.

Learned counsel submits that the case of these two petitioners are also standing on the same footing.

Mr. Fahimuddin, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners but at the same time it is not disputed that in the order of learned coordinate Bench there is an observation that none had seen the actual killing of the deceased persons and the post-mortem report of both the deceased persons goes to show that no injury except one ligature mark in 'V' shape was found on the person of both the deceased persons.

Considering the facts and circumstances of the case and taking note of what has been mentioned in the order of the



learned coordinate Bench while granting bail to the co-accused as also that the petitioners have remained in custody since 16.01.2021 and the investigation against them is complete, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, in connection with Paraiya P.S. Case No. 139/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

