

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20653 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- SIGAUDI District- Patna

1. SATENDRA MANJHI @ NEKI MANJHI S/o Late Chandeshwar Manjhi Village- Nagala Musahari, P.S.- Kinger, Distt.- Arwal
2. Yogendra Manjhi @ Taini Manjhi S/o Bhuneshwar Manjhi Village- Gholaki Chainpura, P.S.- Paras Bigha, Distt.- Jehanabad
3. Nanak Manjhi S/o Late Jagmohan Manjhi Village- Jhunathi Musahari, P.S.- Kinger, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 20-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 341, 323 and 120B of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated by the informant that over a dispute relating to payment of wages for the work done by the informant, the accused persons assaulted him with the sharp edged weapon and he was being treated for the same in the PMCH.

It is submitted by learned counsel for the petitioners



that in course of treatment, the informant died and section 302 of the Indian Penal Code was added.

It is further submitted that the petitioners are innocent and have been falsely implicated in the case. The allegations are general and ominous in nature. In spite of the petitioners having remained in custody since 15.6.2018 i.e for over 3 years 6 months, only two witnesses have been examined on behalf of the prosecution and there is no chance of the trial concluding in the near future. The said two witnesses were examined on 9.8.2019 and 30.8.2019. While P.W.1 is not an eye witness to the occurrence, P.W.2 was declared hostile.

Heard learned A.P.P. for the State.

Report was called for from the learned trial Court. As per the report received contained in letter dated 1.12.2021 of the Additional Sessions Judge 2nd Danapur, the prosecution has produced only two witnesses.

Having heard learned counsel for the parties and from perusal of the materials on record it transpires that only two witnesses have been examined on behalf of the prosecution, the last on 30.8.2019. The petitioner has remained in custody for 3 years 6 months. In view of the allegations in the F.I.R., the period in custody and the stage of the case, the Court directs all the three petitioners to



be enlarged on bail in connection with Sessions Trial No. 99 of 2019 (arising out of Sigori P.S. Case no. 37 of 2018) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VII, Danapur.

It is directed that the petitioners shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioners, the learned trial Court will be at liberty to cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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