

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35486 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- MATIYARIA District- West Champaran

Basant Manjhi S/O Late Purnwasi Manhi Resident of Village - Basantpur, P.S.
- Matiyaria, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Matiyaria P.S. Case No. 55 of 2020 instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 14.10.2020 and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would



manifest that the informant alleges that on 12.10.2020 at 10 pm informant's son was at home and after having dinner he was called by co-accused Darshan Manjhi and when his son did not return home till morning, informant and his wife went to the house of the co-accused Darshan Manjhi and inquired about his son then it is alleged that Darshan Manjhi and his brother abused and ousted them. It is further alleged that the dead body of the informant's son was found near the bank of river and accordingly based on suspicion the present F.I.R. came to be instituted implicating the F.I.R. named persons for hatching up criminal conspiracy for committing murder of the son of the informant.

Learned counsel for the petitioner submits that the petitioner has been made an accused in this case only on suspicion and is alleged to be one of the conspirators. During the course of investigation, it has come that deceased was having love affair with the daughter of the co-accused Munna Manjhi, brother of this petitioner, as a result of which he was done to death. Learned counsel submits that except for suspicion there is no material against the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for regular bail of



the petitioner. Learned counsel for the informant submits that since this petitioner along with other co-accused committed the occurrence as the deceased was having affair with the daughter of the brother of this petitioner.

Learned counsel for the petitioner submits that there is no eye-witness to the occurrence and the allegation is in realm of allegation even during investigation it has come that the occurrence was committed on account of love affair and it is only based on suspicion that petitioner has been implicated. Learned counsel further submits that similarly situated co-accused Prem Manjhi has been granted bail by order dated 09.08.2021 in Cr. Misc. No. 28681 of 2021.

At this stage, the learned counsel for the informant submits that this petitioner has criminal antecedents as mentioned in paragraph '3' of the bail application on which the learned counsel for the petitioner submits that most of the cases are in between 2002 and 2004 and in one case the petitioner came to be implicated in 2017.

Considering the fact that the petitioner is in custody since 14.10.2020, charge-sheet has been submitted in the case and the similarly situated co-accused have been granted bail, let the petitioner above named be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Bettiah, West Champaran in connection with Matiyaria P.S. Case No. 55 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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