

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44233 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- AMARPUR District- Banka

Muso Manjhi @ Mouso Manjhi Son of Late Bocho Manjhi Resident of
Village- Ballikitta, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the Informant	:	Mr. Balram Kapri, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 106 of 2021 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.02.2021, is a person with clean
antecedent 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 it was Bihari Manjhi who assaulted the deceased
by spade as consequences of which he died and as far as this
petitioner is concerned, it is alleged that he and Vijay caught the



deceased when Bihari Manjhi assaulted.

Learned counsel for the petitioner submits that no overt act has been alleged against this petitioner and it is alleged that he had caught hold of the deceased when Bihari Manjhi assaulted by spade.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that had this petitioner not caught the deceased then Bihari Manjhi might not have been able to assault him with spade on which the learned counsel for the petitioner submits that it is difficult to believe that the petitioner would have caught the deceased for the reason that the petitioner himself might have been hit by the spade.

Learned A.P.P. for the State also vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 24.02.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and no overt act has been alleged against the petitioner, 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 Chief Judicial



Magistrate, Banka in connection with Amarpur P.S. Case No.
106 of 2021 subject to the condition as laid down under Section
437 (3) Cr.P.C.

(Satyavrat Verma, J)

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