

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35988 of 2020

Arising Out of PS. Case No.-759 Year-2019 Thana- MASAUDHI District- Patna

JEETAN MANJHI son of late Samaru Manjhi Resident of Village- Bhimpura,
P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lallu Prasad

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-03-2021 Heard the learned counsel for the petitioner and
Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Masaurhi PS case no. 759 of 2019 instituted for the offences punishable under Sections 302, 120B/34 of Indian Penal Code.

The allegation is regarding the husband of the informant having gone to ease himself in the night at about 10.30 pm on the alleged date of occurrence, however when he did not return, search was made and in the morning, the dead body of the husband of the informant was found lying in the Mango orchard.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 07.02.2020. The learned counsel for the petitioner, by referring to paragraph no. 8 of the present petition, has submitted that the petitioner is in fact not the husband of the main accused Sugiya Devi, who is stated to be having illicit relationship with the deceased and he has been booked in the present case on account of mistaken identity. It is further submitted that the said Sugiya Devi has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2020, passed in Cr. Misc. no. 15583 of 2020. The learned counsel for the petitioner has also submitted that similarly situated co-accused person namely Jagan Manjhi has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.02.2021, passed in Cr. Misc. no. 38327 of 2020

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is the husband of the main accused namely Sugiya Devi.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also those available in the case diary, this Court finds that the petitioner has been roped in the present case merely on suspicion and in fact, he has categorically stated in paragraph no. 8 of the present petition that he is not the husband of the main accused Sugiya Devi and *prima facie*, it appears that the petitioner is a victim of mistaken identity, apart from the fact that the petitioner is having a clean antecedent and moreover, similarly situated co-accused persons have already been granted bail. Consequently, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M., Masaurhi, Patna in connection with Masaurhi PS case no. 759 of 2019.

(Mohit Kumar Shah, J)

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