

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39575 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- RAJAOLI District- Nawada

PINTU PRASAD S/O BHUNESHWAR PRASAD RESIDENT OF
VILLAGE - BHAIJEE BHITA, P.S. - RAJAULI, DISTRICT - NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Rajauli PS Case No. 357 of 2019 registered under Sections 302, 201, 34, 120(B) of the IPC.

The informant alleged that his son (Manoj Prasad) had gone to forest to bring wood but he did not come. When the villagers went in search of the son of the informant, Dilip Manjhi disclosed that his son was killed by Pintu Prasad in his liquor "bhathi". It is further alleged that when the informant and others went to the place, they saw slipper and rope of Manoj Prasad (deceased). While the informant and other villages were going in search of Manoj Prasad (deceased), Dilip Manjhi threatened the informant that if he and his brother Babulal Manjhi are named in the F.I.R., they would kill the informant and others.

Learned counsel for the petitioner submits that save and



except suspicion, there is no material against the petitioner. Dilip Manjhi is said to have disclosed before the informant and other villagers that he and others killed Manoj Prasad (son of the informant) but there is absolutely no evidence against the petitioner. It is further submitted that co-accused Rajo Yadav @ Rajendra Yadav has been granted bail by this Court in Cr. Misc. No. 9517 of 2020.

Learned A.P.P., however, opposed the prayer for bail and submitted that Dilip Manjhi is said to have disclosed before the villagers that he and others killed the son of the informant.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Nawada in Rajauli PS Case No. 357 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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