

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41084 of 2020

Arising Out of PS. Case No.-80 Year-2016 Thana- MANJHAGARH District- Gopalganj

Prabhu Manjhi, aged about 41 years, male, son of Manbharan Manjhi,
resident of Village -Bhaisahi, P.S. Manjhagarh, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Manjhagarh P.S. Case
No.80 of 2016 registered under sections 302 and 34 of the
Indian Penal Code.

As per allegation in the FIR, it is stated that over an
altercation the petitioner gave a spear blow on Birendra Manjhi,
husband of the informant, as a result of which he fell down
injured and died in course of treatment.

It is submitted by learned counsel for the petitioner
that the petitioner is innocent and has not committed any
offence much less the offence alleged. Even as per the



allegations in the FIR the parties to the dispute are members of a family and at best it can be stated to be a case of sudden provocation. There was no intention to commit offence on part of the petitioner. He is in custody since 19.3.2020, has no criminal antecedent and there is no progress in the case in the learned Court below.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having given a spear blow to the husband of the informant leading to his death and which is confirmed from the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

(Partha Sarthy, J)

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