

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7636 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- SARMERA District- Nalanda

Chandu Manjhi S/O Adhin Manjhi Resident Of Village - Kenar Kalan, P.S. -
Sarmera, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binit Kumar
For the Opposite Party/s	:	Mr. Anil Kumar Singh
	:	Mr. Samir Kumar Bharti
	:	Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sarmera P.S. Case
No. 195 of 2020 registered for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code.

As per the prosecution case father of the informant while
taking round of his agricultural field has learnt that goat of one *Ram*
Prasad Manjhi has grazed his paddy field so he went at the house of
Ram Prasad Manjhi for further query then co-accused persons along
with petitioner assaulted informant's father by means of iron rod and



brick as a result of which he succumbed to death.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that due to petty dispute the occurrence took place between the parties and entire family members of the petitioner have been falsely implicated in the case. There is general and omnibus allegation of assault by iron rod, bricks and stones but in the *post mortem* report only one injury was found on the person of the deceased. He further submits that similarly situated co-accused has already been granted bail *vide* order dated 05.08.2021 in Cr. Misc. No. 8237 of 2021. The petitioner has no criminal antecedent and he is languishing in custody since 29.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Sarmera P.S. Case No. 195 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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