

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63580 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- BAUNSI District- Banka

Parmanand Manjhi, Son of Antu Manjhi, Resident of Village - Poray, P.S.-
Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2345 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BAUNSI District- Banka

Panchanand Manjhi, Son of Late Antu Manjhi, R/O Village- Poray, P.S.-
Bounsi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63580 of 2021)

For the Petitioner/s : Mr.Balram Kapri, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 2345 of 2022)

For the Petitioner/s : Mr.Balram Kapri, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 25-08-2022 Since both the applications arise out of Bounsi P.S.

Case No. 96 of 2021, as such, they have been heard together and

are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bounsi P.S. Case No. 96 of 2021, registered for the alleged offence under Sections 302, 120 (B) and 34 of the Indian Penal Code.

As per the prosecution case, the son of the informant solemnized marriage with the daughter of the petitioner Panchanand Manjhi against the wishes of her family. Later on, some unknown persons threatened the informant and on the fateful day, the dead body of the son of the informant was found hanging from a tree and it was found that all nails of his right toes were removed. The informant alleged that the petitioners and other co-accused persons murdered his son.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this. Except for suspicion of the informant, there is no material on record to connect the petitioners with the alleged occurrence. The petitioner Parmanand Manjhi was present in his house when he was arrested after lodging of the FIR and if he were guilty, then he could have fled away. Learned counsel further submits that there is no eye witness or any last seen witness of



the occurrence, who might have seen the petitioners in the company of the deceased. Even during investigation, the police did not find any cogent material against the petitioners to connect them with the alleged occurrence directly or indirectly. The post mortem report shows death was not due to hanging or strangulation or throttling. Furthermore, no vital injury either internal or external has been found leading to the death of the son of the informant. The petitioner Parmanand Manjhi is in custody since 07.05.2021 and the petitioner Panchanand Manjhi is in custody since 23.11.2021. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners threatened the informant of dire consequences due to affair of the deceased with the daughter of the petitioner Panchanand Manjhi. The witnesses in paragraphs 22, 23 and 24 of the case diary have supported the prosecution case. However, learned APP concedes that the post mortem report has not mentioned any definite cause of death and further there is no witness to the alleged occurrence or even to the last seen.

Perused the records.

Having regard to the facts and circumstances and



submissions made hereinabove and considering the general and vague nature of allegation against the petitioners without any corroborative material to connect them with the death of the son of the informant notwithstanding the allegations and suspicion of the informant and also considering the submission of charge sheet and period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Bounsi P.S. Case No. 96 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled



by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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