

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4433 of 2022

Arising Out of PS. Case No.-39 Year-2017 Thana- BIKRAM District- Patna

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BHOLA MANJHI SON OF SRI MALLU MANJHI R/O VILLAGE-
PICHAURA, BENIBIGHA, P.S.- BIKRAM, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Roona

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Session
Trial No. 504/2021 arising out of Bikram P.S. Case No. 39/2017
registered for the offences punishable under Sections 304(B),
120(B) & 34 of the Indian Penal Code.

As per prosecution case, accusation against the
petitioner and others is that they committed the murder of
informant's daughter due to non-issuance of child.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 29.11.2019
and bears no criminal antecedent. There is no specific allegation
of demand of dowry or torturing against the petitioner. There is



general and omnibus allegation against the petitioner. From perusal of the FIR itself, it appears that all is going well. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Charge has already been framed on 08.09.2021 against the petitioner under Sections 304(B), 201, 120(B)/34 of the I.P.C. He further submits that no independent witness has been examined in the case and there is nothing on record to indicate that delay of trial is attributable to the petitioner or any other accused person.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner because he is husband of the deceased.

The trial Court vide letter no. 1267 dated 30.06.2022 has reported that case is pending for prosecution evidence and no prosecution witness has been examined in the case as yet.

Considering the facts and circumstances of the case, period of custody which is more than 2 years 07 months, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner, taking into



consideration the material available on record and the slow pace that which trial is progressing, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Danapur, Patna in connection with Session Trial No. 504/2021 arising out of Bikram P.S. Case No. 39/2017, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and his absence without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.



(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If the petitioner violates any of the conditions as enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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