

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6569 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- MATIYARIA District- West Champaran

Darshan Manjhi, S/o late Purnmasi Manjhi, Resident of Village - Basantpur,
Ward No. 11, P.S. - Matiyaria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the State : Mr. Sanjay Kumar, A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 82 of 2021 arising out of
Matiyaria P.S. Case No. 55 of 2020 registered for the alleged
offences under Sections 302, 120(B) and 34 of the Indian Penal
Code.

As per prosecution case, the petitioner called out
the son of the informant in night and when he did not return till
morning the informant went in search of his son but he was not
found. Later on, the dead body of the son of the informant was
found near the banks of a river. He was found to be assaulted

and strangled to death. The informant named the petitioner and other co-accused persons who murdered and threw away the dead body of the son of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Except for suspicion, there is nothing against this petitioner. It is clear from the F.I.R. that the petitioner was having good relationship with the son of the informant otherwise he would have not have gone with the petitioner in the night. During the course of investigation, it has come to knowledge that the deceased was having illicit relationship with the daughter of one Munna Manjhi and for this reason, he was murdered by the co-accused persons. There is no eye witness to the alleged occurrence and none has seen the present petitioner with the deceased at any time prior to the alleged occurrence. Other co-accused persons have been granted bail by different Coordinate Benches vide order dated 09.08.2021, 03.12.2021 and 13.12.2021 passed in Cr. Misc. No. 28681 of 2021, Cr. Misc No. 35486 of 2021 and 38759 of 2021, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 04.01.2021.

Learned A.P.P. for the State opposes the prayer for

bail of the petitioner submitting that the petitioner was the last person who was seen with the deceased as he called him out in the night of the fateful day.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material on record except for the allegation that the petitioner called out the deceased son of the informant and further considering his period of custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Bettiah, West Champaran in connection with Sessions Trial No. 82 of 2021 arising out of Matiyaria P.S. Case No. 55 of 2020, 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 a close relative of the petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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