

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12992 of 2022

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

PRABHU MANJHI Son of Late Manbharan Manjhi Resident of Village and
P.O. Bhaisahi, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv.

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-04-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner is said to have given 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 earlier application for bail of the petitioner was rejected vide order dated 28.6.2021 passed in Cr. Misc. no.41084 of 2020. On merits, it is submitted that the death of the deceased took place in a manner other than what has been narrated in the F.I.R. as a result of accidental fall of a motorcycle on the



husband of the informant. The same is supported from the contents of the post-mortem report. The petitioner is in custody since 19.3.2020 and none of the chargesheet witnesses have been examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner is the assailant of the deceased, the allegation being of the petitioner having given a spear blow on the informant's husband which is supported from the contents of the post-mortem report wherein the cause of death is said to be puncture of right lung and pleura caused by sharp edge penetrating substance.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner being the assailant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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