

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24033 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- TETERHAT District- Lakhisarai

Prabhu Manjhi S/O Late Baleshwar Manjhi R/O Jhinoura, P.S.- Tetarhat,
District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 18-01-2022 The applicant/accused in Crime No. 82 of 2020 registered with Tetarhat Police Station for the offences punishable under Sections 323 and 364 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that there is no iota of evidence against the applicant. The deceased was not residing with the applicant and applicant was not having any role in killing the deceased even, according to the prosecution case, the applicant has only assisted the main accused in disposal of the dead body.

The learned Additional Public Prosecutor fairly accepted this fact and stated that the applicant was found to be



involved in disposal of the dead body of the deceased.

I have considered the submissions so advanced and also perused the materials placed before me.

Evidence against the applicant as seen from the case-diary appears to be the confessional statement of main accused Ragho Manjhi and his own confessional statement. The prosecution will have to show how such confessional statements made before the police officer are admissible in evidence.

The FIR lodged by Jato Manjhi shows that his mother had joined the company of main accused Ragho Manjhi and was staying with the said Ragho Manjhi. On the basis of hearsay information Jato Manjhi reported that his mother was killed by Ragho Manjhi and his relatives.

Except the confessional statement of accused persons which are indicating that the applicant had assisted main accused Ragho Manjhi in disposal of the dead body. There is no evidence worth mentioning to connect the applicant in the crime in question and, therefore, his pretrial detention is not warranted.

Considering the nature of the evidence against the applicant/accused, there is no other alternative but to release



him on bail during pendency of the trial and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 82 of 2020 registered with Tetarhat Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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