

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15230 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- TARAIIYA District- Saran

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Dharmendra Manjhi S/o Prabhu Manjhi R/o village- Sahwan, P.S.- Isuapur,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar, Advocate.
For the State	:	Mr. Shailendra Kumar Singh, APP.
For the Informant	:	Mr. Pankaj Kumar, Advocate.
		Mr. Ranvijay Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Narendra Kumar, learned counsel

appearing on behalf of the petitioner, Mr. Pankaj Kumar, learned

counsel along with Mr. Ranvijay Singh, learned counsel for the

informant and Mr. Shailendra Kumar Singh, learned A.P.P. for

the State.

Let the defect(s), if any, be removed within two

weeks of the complete start of the physical Court in normal

course.

The petitioner seeks regular bail in connection with

Taraiya P.S. Case No. 185 of 2019 for the offence punishable

under Sections 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that all the accused

persons named in the F.I.R. including the petitioner committed

murder of the son of the informant. The deceased was a painter



and he had been engaged by the father-in-law of the petitioner for painting his house. The specific allegation against all the accused persons including the petitioner is that they with common intention committed murder of the son of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the entire allegation made in the F.I.R. is not sustainable because the deceased died due to electric current shock which is supported by the testimony of the independent witnesses who have found the dead body of the deceased near the electric pole. The mother-in-law of the present petitioner had tried to save the deceased who due to his own fault got affected by the electric shock and thereafter he was found dead. Petitioner is not concerned with the death of the deceased and his death is natural caused by electric shock. Learned counsel further submitted that co-accused Ram Pravesh Manjhi and Munna Manjhi have already been released on anticipatory bail by a co-ordinate Bench vide order dated 24.08.2020 passed in Cr. Misc. No. 1152 of 2020. Petitioner is in custody since 28.11.2021.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for



grant of bail to the petitioner.

Considering the facts and circumstances of the case and taking into account the fact that the petitioner is the son-in-law of the co-accused Ram Pravesh Manjhi and brother-in-law of Munna Manjhi. Petitioner had gone to his sasural to attend the marriage. The deceased accidentally got the electric shock and due to which he succumbed. Though in the inquest report, the cause of death is strangulation, but upon performance of post mortem, no ligature mark has been found on the neck of the deceased. Similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court. Prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Saran at Chapra in connection with Taraiya P.S. Case No. 185 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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