

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15257 of 2022

Arising Out of PS. Case No.-77 Year-2017 Thana- PAROO District- Muzaffarpur

PRABHU MANJHI Son of Gorakh Manjhi Resident of village - Bheliepur,
P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Vandana, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 09.06.2020, seeks
regular bail in connection with Sessions Trial No. 100 of 2019
arising out of Paroo P.S. Case No. 77 of 2017 registered for
offences punishable under Sections 147, 148, 149, 342, 323,
324, 302 and 307 of the Indian Penal Code.

Prosecution story in brief is that on the date of
occurrence, the deceased along with Sakindra Sahni was going
on motorcycle which hit one she-goat thereafter, both of them
were assaulted by local people.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is innocent and has falsely been implicated in the present case. There is general and omnibus allegation levelled against the petitioner. Informant is not an eye-witness in the case. He has named the petitioner merely on suspicion. He further submits that other co-accused namely, Pappu Manjhi and Gorakh Manjhi have already been released on bail by a co-ordinate Bench of this Court vide order dated 07.02.2018 passed in Cr. Misc. No. 235 of 2018, Gagan Manjhi has been released on bail vide order dated 20.02.2018 passed in Cr. Misc. No. 7776 of 2018, Ganesh Manjhi has been released on bail vide order dated 31.08.2018 passed in Cr. Misc. No. 39508 of 2018 and Shiv Pujan Manjhi has already been released on bail vide order dated 26.04.2019 passed in Cr. Misc. No. 27242 of 2019. Petitioner has clean antecedent and he is in custody since 09.06.2020.

In this regard law is well settled that suspicion howsoever, strong cannot take the place of proof and for suspicion and under trial prisoner cannot be kept behind the bar even after completion of investigation.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, there is general and omnibus allegation against the petitioner, petitioner is in custody since



09.06.2020 merely on suspicion, there is no eye-witness in the present case, other co-accused persons have already been enlarged on bail and the trial of the case is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd, Muzaffarpur in connection with Sessions Trial No. 100 of 2019 arising out of Paroo P.S. Case No. 77 of 2017 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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