

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20545 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- PARAIYA District- Gaya

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Raju Manjhi @ Raju Rikiyashan, Son of Karghu Manjhi @ Karghu
Rikiyashan Resident of village - Bagoman, P.S.- Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Paraiya
P.S. Case No. 114 of 2021, registered for the offence
punishable under Section 302 of the Indian Penal Code.

The prosecution case as emerging from the F.I.R.
is that the petitioner has assaulted the father of the
informant with iron rod, due to which he died. It is also
alleged that the deceased was murdered for practicing



witchcraft.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that informant is not an eye witness to the alleged offence nor is any direct witness examined in the case diary. He further submits that investigation of the case is complete and charge-sheet has already been submitted. However, he submits that he is not sure that the charge in this case has been framed or not.

The petitioner has been languishing in jail since 13.06.2021, i.e., for more than one year.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that the alleged offence is serious in nature. He further submits that there is sufficient material on record in



support of the allegation.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Paraiya P.S. Case No. 114 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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