

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21306 of 2022

Arising Out of PS. Case No.-205 Year-2020 Thana- PALAHI District- East Champaran

Deonath Manjhi @ Devnath Manjhi Son of Late Bharath Manjhi Resident of
Village - Mahmada, P.s.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Patahi
P.S. Case No. 205 of 2020 registered for the offence under
Sections 341, 323, 504, 302, 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.01.2021.

The allegation against the petitioner is to commit
murder of husband of the informant over neighbourhood
dispute, founded over playing of music loudly, on the occasion
of family functions.

Learned counsel appearing on behalf of the petitioner



submitted that the face of F.I.R. appears to be doubtful as informant is not a literate women, as putting her thumb impression, which is not supported by independent witnesses. It is submitted that the present F.I.R. was lodged after commencement of post mortem upon the deceased. It is also submitted that there is land dispute between the parties, which is the reason for this false implication. It is also submitted that the injury received is accidental, having no role of this petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is the eye witness of the occurrence, and there is no reason to disbelieve her version. It is submitted that the issue raised is mere technical in nature, having no bearing over the merit of the case. It is further submitted that the post mortem clearly and loudly speaks that the husband of the informant died due to head injury and same is in corroboration with manner of assault, as alleged in the writtin complaint. It is also submitted that the allegation, as regard to fatal assault is specific against this



petitioner.

In view of the facts and circumstances as mentioned above, as allegation regarding fatal assault is specific against this petitioner, where informant is the eye witness of the occurrence, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to conclude the trial within a period of six months from the date of receipt of this order, by taking the matter on board, on day to day basis, failing which, petitioner may renew his prayer of bail, if so advised.

Superintendent of Police, East Champaran, is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within the aforesaid time period, as directed.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

