

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24322 of 2022

Arising Out of PS. Case No.-458 Year-2019 Thana- GAURICHAK District- Patna

Upendra Manjhi Son of Rajendra Manjhi Resident of Village - Chhoti Sapuhuwa, P.S.- Gaurichak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

As per prosecution story, in brief, is that the informant's husband had gone out of his house but he did not return back. Thereafter, the informant came to know that his husband's dead body has thrown in well. It is further alleged that the accused petitioner along with other accused persons have killed her husband.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that in fact the informant belongs to the same family and in fact there is no case made out under the SC/ST Act. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act against the petitioner and the co-accused person namely Shailesh Manjhi and Kunal Manjhi have been granted bail vide order dated 18.03.2021 in Cr. Appeal (SJ) No. 441 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.12.2019.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaurichak P.S. Case No. 458 of 2019, with the following conditions :-

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



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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