

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27262 of 2022**

Arising Out of PS. Case No.-509 Year-2020 Thana- MASHRAK District- Saran

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DAULAT MANJHI Son of Late Yadav Lal Manjhi Resident of Village -
Padmoul, P.S.- Masrakh, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs.Vaisnavi Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Heard Mrs. Vaisnavi Singh, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, the learned APP for

the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 341, 302, 504,
506, 34 of the Indian Penal Code in connection with Masrakh
P.S. Case No. 509 of 2020.

As per the allegation in the FIR, the informant has
alleged that on 29.8.2020 his brother was assaulted by the
petitioner and his wife with further allegation that he sat on his
chest and both of them assaulted him with fists and leg. It has
further been alleged that firstly he got his brother treated locally
and after some time on 13.9.2020, the injured was taken to
Patna for treatment where he succumbed to his injuries on



19.9.2020. Accordingly, the FIR was lodged on that day.

Learned counsel for the petitioner submits that a bare perusal of the FIR shows that the occurrence is of 29.8.2020 whereas the FIR comes to be lodged on 19.9.2020 and in absence of the explanation for the delay in the FIR, the exaggeration of the allegation cannot be ruled out. It is her further submission that contrary to the allegation made in the FIR, the report does not explain about broken jaw or of temporal region.

She lastly submits that the petitioner is in custody since 22.12.2021 (as stated in para-23 of the bail application).

Considering the fact that there is an inordinate delay of about 20 days in lodging of the FIR, the same has not been explained, the petitioner is in custody since 22.12.2021 as also the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. If however any statement made in the bail application is found contrary to the facts, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra, in connection with



Masrakh P.S. Case No. 509 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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