

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39681 of 2022

Arising Out of PS. Case No.-345 Year-2020 Thana- GAYA MUFASIL District- Gaya

Yogendra Manjhi Son Of Saman Manjhi @ Sawan Manjhi R/O
Village/Mohalla- Gere Dhankuti, Bhui Toli, P.S.- Mufassil, District- Gaya,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Mufassil P.S. Case No. 345 of 2020 registered for the offences
punishable under Sections 302 and 201/34 of the Indian Penal
Code.

As per the prosecution, the informant's cousin brother
was murdered by this petitioner and other FIR named persons.
Further it is alleged that the accused persons also snatched Rs.
35,000/- and a gold chain from the possession of the deceased.



The main submissions advanced by learned counsel Mr. Avinash Kumar Singh appearing for the petitioner are that as per the FIR the informant is not stated to be an eye-witness of the alleged occurrence and he claimed to have got the information of the assailants from the deceased when he was alive and accordingly the informant mentioned the names of the accused persons who were assailants in the FIR but the name of the petitioner did not find any place in the FIR which itself shows that the petitioner was not one of the assailants. Further submission is that the accused persons namely Ram Pravesh Yadav @ Gas, Akku Yadav @ Manoj Kumar and Aniket Kumar @ Aniket whose names have been revealed by the informant as assailants have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos. 22564 of 2021, 45955 of 2021 and 52360 of 2021 respectively. Further submission is that the petitioner has been languishing in jail since 11.09.2021 and there is no eye-witness of the alleged occurrence.

Learned APP Mr. Murli Dhar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR, order impugned and the orders by which the co-accused persons have



been granted bail by different Benches of this Court filed on behalf of the petitioner. The petitioner has not been named in the FIR and informant is not stated to be an eye-witness of the alleged occurrence of murder and he claimed to have got the knowledge of the accused persons from the deceased when he was alive but the petitioner's name was not revealed by the informant in the FIR which shows that the deceased did not reveal the name of this petitioner to the informant and moreover some co-accused persons named in the FIR are on bail. Considering these facts and mainly taking into account the petitioner's custody period and also the fact that the investigation has been completed against him, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Mufassil P.S. Case No. 345 of 2020.

(Shailendra Singh, J.)

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