

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48633 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- PARASBIGHA District- Jehanabad

BIRJU MANJHI @ BIRJOO MANJHI @ VIRJU MANJHI Son of Late Sita
Manjhi Resident of Village- Chhotki Chainpura, Musahari, P.S.- Parasbigha,
District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 28-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 31.05.2020, seeks
regular bail in connection with S. Tr. No. 18 of 2021 arising out
of Parasbigha P.S. Case No. 85 of 2020 registered for offences
punishable under Sections 302 and 120(B) of the Indian Penal
Code.

As per the FIR, allegation against the petitioner is that
he was having illicit relationship with wife of the deceased
namely, Sumutri Devi which was protested by the informant and
his family members including the husband (deceased) of the



said Sumutri Devi and a *panchayati* was also held in this regard to which Sumutri Devi and the present petitioner had protested and on 25.05.2020, petitioner along with the said Sumutri Devi had committed murder of the son of the informant.

Learned counsel appearing on behalf of the petitioner submits that cousin sister of the deceased in paragraph no. 10 of the case diary has stated that Sumutri Devi was found along with her husband (deceased) however, she has not seen the present petitioner to be involved in the alleged murder. He further submits that there is no evidence collected against the petitioner to connect him in the alleged commission of murder of the son of the informant neither there is any substantial evidence available against the petitioner. Petitioner is in custody since 31.05.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that there are evidences which have been collected in course of investigation and there is independent witnesses who have supported the case of the informant. The complicity of the petitioner in alleged murder along with the wife of the deceased due to illicit relationship cannot be denied. He further submits that from the pleadings made in the bail application also petitioner has not



denied that he was not having any illicit relationship with the co-accused Sumutri Devi.

Considering the aforesaid facts of the case, allegation made in the FIR as well as materials which have been collected in course of investigation it appears that the petitioner was having illicit relationship with co-accused Sumutri Devi, who is the wife of the deceased and they are the one who had committed murder of the deceased which is supported by postmortem report, I am not inclined to enlarge the petitioner on bail.

Taking into consideration the period of custody undergone by the petitioner, the trial Court is directed to conclude the trial expeditiously well within a period of twelve months.

If no substantial progress takes place in conduct of trial, the petitioner, if so advised, may renew his prayer for bail after the aforesaid period.

(Purnendu Singh, J)

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