

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53006 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- GURUA District- Gaya

Viklesh Manjhi Son Of Late Jagdish Manjhi R/O Village- Devsharan, P.S.-
Tankupa, Dist.- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-05-2022 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, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 302 of the IPC.

Informant is mother of the deceased and petitioner is father of the deceased. The prosecution case, in brief, is that on 13.06.2020 at about 17.30 PM she handed over her child Vaishali Kumari to her husband and thereafter she had gone to bring some article from the shop and when she returned, she saw her daughter was covered with cloth, and after removal of cloth, she found that her child dead and lacerated blood was



found on her head. She enquired from her husband, but he did not give satisfactory reply. She strongly believed that her husband killed her daughter by throwing on ground, as there was no any member in the house. Earlier, her husband Viklesh Manjhi threatened her to kill her daughter.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation levelled against the petitioner is false and concocted. He further submits that in fact the petitioner is father of the deceased and the wife of the petitioner has instituted the present FIR. He further submits that there is no eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioner on 29.06.2020 and the petitioner is in custody since 14.06.2020.

Vide order dated 31.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the case is pending for commitment.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Learned counsel for the petitioner submits that in



view of the report of the learned Trial Court it appears that there is no chance of early conclusion of the trial in near future.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 Gurua P.S. Case No. 128 of 2020, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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 antecedent, 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)

Nitesh/-

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

