

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55663 of 2021**

Arising Out of PS. Case No.-60 Year-2019 Thana- AMAS District- Gaya

Sanjay Manjhi Son of Late Kailash Manjhi Resident of Village - Malarwadih,
P. S.- Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 **19-05-2022** Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sudhir Kumar Sinha, learned counsel for the petitioner, Mr. B. N. Pandey, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with POCSO Case No. 62 of 2021, arising out of Amas P. S. Case No. 60 of 2019 registered for the offences punishable under Sections 376 and 302 of the Indian Penal Code and Section 4/8 of Protection of Children from Sexual Offences Act.

As per the prosecution case, it is alleged that on



17.03.2019, the informant got an information that his daughter, namely, Punam Kumari aged about 16 years was crying out of pain in his colony. It is further alleged that the informant saw that accused petitioner was running from the place of occurrence. The informant entered into the house and he found that his daughter has been murdered by strangulating her neck and also suspected that she was subjected to rape.

Learned counsel appearing on behalf of the petitioner submitted that just after institution of the F.I.R., the further statement of the informant was recorded and he stated that just before a day of occurrence his daughter and this petitioner was found in a compromising position and thereafter, the family member and villagers scolded her and later on, the girl committed suicide. During the course of investigation the statement of the mother of the deceased as well as other witnesses have also been recorded by the Police and all of them have stated the similar story that the daughter of the informant and this petitioner was found in a compromising position and when *hulla* was made by a villager, the mother and some villagers reached there and slapped and scolded her due to which the victim committed suicide.

On the other hand, learned APP for the State



opposes the bail application of this petitioner and submits that the post mortem report suggests that the cause of death is asphyxia due to strangulation. It is also submitted that during the course of investigation the Police, later on, found the involvement of the informant and his wife in the killing of their daughter and they have been made accused in this case and sent to judicial custody.

Having considered the submissions made on behalf of the parties and taking into account the fact that during the course of investigation, it has come that it is a case of honour killing and the victim (deceased) was found to be killed by her own parents and further this petitioner having clean antecedent, is in custody since 10.03.2021 and the investigation has already been completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VII-cum-Special Judge, POCSO Act, Gaya in connection with POCSO Case No. 62 of 2021 arising out of Amas P. S. Case No. 60 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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