

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66130 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- TANKUPPA District- Gaya

-
1. AMIRAK MANJHI, SON OF KISHUN MANJHI RESIDENT OF VILLAGE- GEWAL BIGHA, P.S- TANKUPPA, DIST- GAYA
 2. TILSHWAR MANJHI SON OF DHARO MANJHI RESIDENT OF VILLAGE- GEWAL BIGHA, P.S- TANKUPPA, DIST- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with Tankuppa P.S. Case No. 24 of 2021, for the offence punishable under Sections 147, 148, 149, 341, 342, 188, 323, 324, 326 and 302 of the Indian Penal Code. Later on Section 201 I.P.C. was added.

The prosecution case, in brief, is that the informant, who is the Chowkidar went to village - Gajadharpur Aahar and found a dead body of unknown person lying in the Panchayat Bhawan. The Postmortem reveals multiple injuries on the



person of the deceased.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been implicated in this case merely on suspicion. Petitioners are resident of village Gawal Bigha while the dead body was found at village Gajadharpur which is 50 Kms away from the petitioners' village. Chowkidar is the informant, who is not the eye-witness of the present case. The alleged murder took place on 17.02.2021 and the F.I.R. was lodged on 20.02.2021. The Chowkidar was on inimical terms with the petitioners. There is general and omnibus allegation against the petitioners and the accusation against the petitioners fails in absence of any eye witness and delay in filing the F.I.R. He further submits that the Chowkidar, who was knowing about the incident did not inform the local Police station for the reasons best known to him to do so. There is every doubt due to enmity the petitioners have been named in the F.I.R. in a well planned manner. The Postmortem reveals multiple injuries caused by hard and blunt substance. The victim has not been identified and the dead body remained unidentified. The petitioners have clean antecedent and they are in custody since 21.02.2021.

Learned A.P.P. for the State has opposed the prayer



for grant of bail to the petitioners.

Considering the facts and circumstances of the case, it appears that the incidence took place on 17.02.2021 and the F.I.R. has been lodged after much delay on 20.02.2021. The informant is the Chowkidar of the village, who was duty bound to report the local Police station about the alleged death, but he has deliberately, in planned manner, implicated the petitioners in the present case. In absence of any eye-witnesses and allegation being general and omnibus, prima facie the petitioners have made out a case to be released on bail.

The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Gaya in connection with Tankuppa P.S. Case No. 24 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

mantreshwar/-

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

