

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66174 of 2021**

Arising Out of PS. Case No.-143 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

VITENDAR MANJHI Son of Ram Sevak Manjhi Resident of Village -
Ahirouli, P.S. - Buxar (Industrial), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 16-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.08.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that petitioner along with
Ramsewak Manjhi and Prahalad Manjhi assaulted the father-in-
law of the informant but he was saved by the villager. Further,
Tulshi Manjhi came and informed that the accused persons were
assaulting the informant's father-in-law in her house,



accordingly, the informant reached the place of occurrence and saw that the petitioner was giving indiscriminate lathi blow on the head of the father-in-law while others two accused had caught his hand.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as in the postmortem report it has come that no ante-mortem injury was found. It is submitted that when allegation is of indiscriminate assault on the head by lathi then question of no ante-mortem injury simply does not arise. It is submitted that the deceased was an alcoholic and he fell on account of which he died and the informant took that as an opportunity to falsely implicate the petitioner along with others as in the postmortem report it has come that the death was due to subdural haemorrhage.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that as per the postmortem report there is no ante-mortem injury.

Considering the fact that the petitioner is in custody since 06.08.2021, charge-sheet has been submitted and is a person with clean antecedent and taking into consideration the



submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees 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 Buxar Industrial P.S. Case No. 143 of 2021.

(Satyavrat Verma, J)

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