

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69804 of 2021

Arising Out of PS. Case No.-109 Year-2011 Thana- UCHKAGAON District- Gopalganj

Subash Manjhi, Son of Late Mangal Manjhi, Resident of Village - Chanawe,
P.O. and P.S.- Thawe, Lacchwar, District - Gopalganj - 841438.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Uchkagaon P.S. Case No. 109 of 2011
registered for the alleged offences under Sections 302/201/34 of
the Indian Penal Code.

As per prosecution case, dead body of an unknown
female was recovered and on the *fardbeyan* of *Chaukidar*, the
FIR was registered against unknown. During investigation, the
name of the petitioner transpired as one of the accused persons,
who was having illicit relationship with the deceased and the
petitioner after hatching up conspiracy with the co-accused



killed her and threw the dead body.

Learned counsel for the petitioner submits that there is no eye witness to the occurrence and it is a case based on circumstantial evidence. Except for suspicion of the witnesses examined during investigation, nothing has come up against the petitioner. No incriminating material has been recovered at the instance of this petitioner during investigation by the police. There is complete absence of intention and motive and if the prosecution story is believed, there is no reason for the petitioner to kill the deceased. Learned counsel further submits that the co-accused Chandan Manjhi has been granted bail by a Coordinate Bench of this Court vide order dated 04.12.2015 passed in Cr. Misc. No. 48570 of 2015 and the case of this petitioner stands on similar footing. The petitioner is in custody since 18.08.2021 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner transpired during investigation and he killed the deceased lady due to illicit relationship that was being opposed by his family members.

Having regard to the facts and circumstances and submissions made hereinabove and considering the absence of



cogent material to connect the petitioner with the offence as alleged and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Uchkagaon P.S. Case No. 109 of 2011, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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