

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19502 of 2023

Arising Out of PS. Case No.-197 Year-2021 Thana- HATHAURI District- Muzaffarpur

Khesari Manjhi Son of Harihar Manjhi Resident of Village - Punarwara
Shyam, Ward No.- 04, P.S.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Hari Kishore Thakur, learned counsel for
the petitioner and Ms. Suman Kumari Singh, learned APP for
the State.

The petitioner apprehends his arrest in connection
with Hathauri P.S. Case No. 197 of 2021 registered for the
offences punishable under Section 302/34 of the Indian Penal
Code.

The petitioner along with other co-accused persons is
said to have assaulted the son of the informant which proved
fatal.

Learned counsel for the petitioner submits that the
deceased was a drunkard and he fell down on the earth in
intoxicated condition due to which he sustained injury on his
stomach and later on died. He further submits that the other co-



accused persons having similar allegation have been allowed the privilege of anticipatory bail, the copy of which has been brought on record as Annexure-2 to the bail petition. He next submits that the petitioner has absolutely fair antecedent and during course of investigation it has also come that the deceased died on account of excess consumption of Toddy.

On the other hand, learned counsel for the State opposes the bail application. However, he has shown his inability to confront the aforesaid submission that other co-accused persons having similar allegation, have been allowed the privilege of pre-arrest bail by the learned Co-ordinate Bench of this Court.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail and postmortem report does not support the prosecution case, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



J.M.1st Class (East), Muzaffarpur in connection with Hathauri
P.S. Case No. 197 of 2021, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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