

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22386 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BAUNSI District- Banka

1. Subash Manjhi Son Of Late Jhuwar Manjhi R/O Village- Porai, P.S.- Bounsi, District- Banka
2. Upendra Manjhi @ Fuldhar Manjhi Son Of Subash Manjhi R/O Village- Porai, P.S.- Bounsi, District- Banka
3. Horil Manjhi Son Of Nakul Manjhi R/O Village- Porai, P.S.- Bounsi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Samir Kumar, Advocate
		Mr. Saurabh Singh, Advocate
For the Opposite Party/s :		Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-01-2023 Heard learned senior counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Bounsi P.S. Case No. 96 of 2021 registered under Sections 302, 120B and 34 of the Indian Penal Code.

The informant's son has been allegedly murdered by the instant petitioners along with other named co-accused persons. The



motive assigned is that the deceased had earlier taken away the daughter of co-accused Panchanand Manjhi. The petitioners are said to be agnates with family of Panchanand Manjhi.

Learned senior counsel for the petitioners submits that the main motive has been assigned against Panchanand Manjhi, who earlier has been enlarged on bail in Cr. Misc. No. 63580 of 2021. His own brother Parmanand Manjhi has also been enlarged on bail in Cr. Misc. No. 2345 of 2022. The petitioner nos. 1 and 2 are in custody since 31.01.2022 and petitioner no. 3 is in custody since 27.01.2022 based on suspicion. Motive as per prosecution case has been assigned against Pachanand Manjhi. Investigation is complete since charge-sheet has been submitted. He further submits that the order dated 08.03.2022 passed by the learned Sessions Judge, Banka in as much as it records that investigation is going on against the petitioners, is an error of record. The petitioners are having no criminal antecedents.

Learned APP has opposed the prayer for bail. It is submitted that petitioners are named accused persons.

Considering the rival submissions, claim based on parity, period of custody; and the fact that investigation is complete, this Court is inclined to allow the prayer for bail.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M.



Banka, in Bounsi P.S. Case No. 96 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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