

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22891 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- ROSHANGANJ District- Gaya

Ajay Manjhi @ Dhananjay Manjhi S/O Late Nageshwar Manjhi @ Late Nagesar Majhi Resident of Village- Nawadih, P.S.- Banke Bazar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 31.1.2022 in connection with Roshanganj (Banke Bazar) P.S. Case No. 70 of 2022, F.I.R. dated 10.04.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code but the police submitted the charge sheet under Section 306/34 of the Indian Penal Code.

3. According to prosecution case, on the basis of written report of the informant Rinku Devi alleging therein that her younger sister Geeta Devi goat rearing by taking loan from Jivika Group and she was raising all three children in which two sons aged about 10 years and 8 years and one daughter aged



about 5 years. On seeing the poverty of her sister, the informant is bringing up her both son in Bodhgaya. The Gotiya or her sister, Mahendra Manjhi, Ajay Manjhi, Prakash Manjhi and son of Mahendra Manjhi namely Sujeet always assaulted her with a view to dispossession from the property. On 10.04.2022 at about 1:00 A.M. in the night she received information from mobile No.7667336200 to son of informant mobile No.912229618 her sister Geera Devi died, she assured that her sasural family members kill her sister by poisoning.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is brother-in-law (Bhaisur) of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that in fact the petitioner living separately with the deceased and her family member and petitioner has not committed any offence as alleged in the F.I.R. He further submits that the police after investigation submitted the charge



sheet against the petitioner and the petitioner is in judicial custody since 31.10.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Shri Sushil Kumar Singh, Judicial Magistrate, 1st Class, Sherghati (Gaya) in connection with Roshanganj (Banke Bazar) P.S. Case No. 70 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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