

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27067 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- BELHAR District- Banka

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Tampu Manjhi, aged about 43 years, Male, Son of kapil Manjhi Resident of
Village - Pipra mushari, P.S.- Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Rajesh Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 25-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Belhar (Khesar)
P.S. Case No. 226 of 2021, corresponding to G.R. No. 1829 of 2021
registered for the offence punishable under Section 302, 201, 34 of
the Indian Penal Code (for brevity 'IPC').

First Information Report (hereinafter referred to as the
'F.I.R.') has been lodged on 03.07.2021. Informant has alleged that
while her father was sleeping, four (4) days earlier on 30.06.2021,
petitioner and informant's mother have dragged the father of the
informant (victim) away from the house. It is alleged that petitioner
was having a 'sword' in his hand. Informant has also stated that
petitioner was a frequent visitor to her house and met with
informant's mother with gifts.

Learned counsel for the petitioner submits that the F.I.R.,
prima facie, is nothing but a afterthought based on recovery of the
brutally murdered, father of the informant. It is highly improbable
and absurd to suggest that having a 'sword' in his hand, the petitioner
dragged the informant's father away from the house, and still the



informant did not inform anyone for four days. As per F.I.R., informant is not eye-witness to the occurrence of killing. Petitioner is suffering false implication on extraneous considerations and he is in custody since 14.12.2021. He has one criminal antecedent, in connection with Smabhuganj P.S. Case No. 122 of 2021, wherein a joint compromise petition has been filed.

Learned APP has opposed the prayer for bail. It is submitted that informant has specifically named the petitioner.

Considering the rival submissions, manner of petitioner's implication and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 J.M. 1st Class, Banka, in connection with Belhar (Khesar) P.S. Case No. 226 of 2021, corresponding to G.R. No. 1829 of 2021, subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of



the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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