

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 35971 of 2023

Arising Out of PS. Case No.-594 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. RAMANAND MANJHI S/O LATE HARI MANJHI R/O village-Gere Dhankutti, P.S.-Mufassil, District-Gaya
2. BABLOO MANJHI S/O SRI RAMANAND MANJHI R/O village-Gere Dhankutti, P.S.-Mufassil, District-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Parmeshwar Vishwakarma, Advocate

For the Opposite Party/s : Mr Md Ataur Rahman, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023

Heard the parties.

2 The petitioners are in judicial custody in connection with Mufassil PS Case No 594 of 2022 dated 09.08.2022 for the offence punishable under Sections 302, 201, 120B/34 of Indian Penal Code.

3 Case, as per the prosecution story, is that the informant alleged that her son was in love with X but subsequently she got her son married with Y. However, the love affair continued with X and later she came to know that X is no more and, thereafter, her son also went missing and his dead body was found and she has strong belief that both X and her son were killed by the parents of X. Accordingly, the FIR.



4 It is the case of the petitioners that they are father and brother of X. Further, due to the marriage of the son of the informant, X committed suicide by hanging whereas the body of the son of the informant was found near the railway track being overrun by a train.

5 It is the case of the petitioners that probably both committed suicide and only on suspicion, the informant has lodged the FIR which resulted into the custody of the two petitioners since 12.08.2022 (paragraph 9 of the petition). Both are respectable persons, having no criminal antecedent.

6 In this case, case diary was called for on 24.06.2023 and learned APP, after going through it, had informed the Court that the cause of death of X is due to hanging while the dead body of the son of the informant was found with the head severed from the body and it seems that a train overrun him. This fact has been incorporated in paragraph 12 of the case diary and the fact regarding the death of the son of informant is incorporated in the post mortem report.

7 Considering the aforesaid submission put forward by the learned counsel for the respective parties, materials on record as also the findings in the case diary and the post mortem report, so far as the bail application of the two petitioners are



concerned, taking into account that they are in custody since 12.08.2022, this Court is inclined to extend them the privilege of bail with conditions.

8 Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Gaya in Mufassil PS Case No 594 of 2022 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide official document to show his bona fide;

(ii) The petitioners shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds.

9 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

U		T	
---	--	---	--

