

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34897 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Som Nath Manjhi @ Samnath Manjhi, S/o Late Raghuni Manjhi R/o village-
Arara, P.S.- Sadar Thana Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Hajipur
P.S. Case No. 520 of 2021, registered for the offences
punishable under Sections 304(B), 498(A) and 34 of Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case as emerges form the FIR is
that the marriage of the informant's sister, namely, Shobha
Kumari was solemnized with Som Nath Manjhi @ Samnath
Manjhi according to Hindu rites and customs in the year
2014. After some times, she was being tortured by her in-
laws for non-fulfillment of illegal demand of dowry, and



ultimately she was killed by them.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged occurrence is beyond seven years of marriage and the victim was also blessed with two children. He also submits that after investigation, the case has not been found true under Section 304(B). He further submits that investigation in this case is complete and charge-sheet has been submitted under Section 306 of I.P.C against the petitioner.

He further submits that the petitioner has been languishing in jail since 28.10.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Hajipur in connection with Hajipur P.S. Case No. 520 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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