

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29371 of 2023**

Arising Out of PS. Case No.-359 Year-2022 Thana- PALASI District- Araria

Aditya Manzi @ Aditya Manjhi @ Balak @ Aditya Kumar Manjhi @ Balak  
Kumar Son Of Ram Lakhan Manjhi Village -Bhattabari, Ward No 02 ,P S  
-Palasi ,Distt Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 43938 of 2023**

Arising Out of PS. Case No.-359 Year-2022 Thana- PALASI District- Araria

1. Nandlal Manjhi Son Of Late Fudan Manjhi Resident Of Village- Bhattabari,  
Ward No 2, Ps- Palasi, Distt- Araria
2. Sanzeet Manjhi @ Sanjit Kr. Manjhi Son Of Nandlal Manjhi Resident Of  
Village- Bhattabari, Ward No 2, Ps- Palasi, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 29371 of 2023)

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 43938 of 2023)

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      17-08-2023      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since  
22.11.2022 in connection with Palasi P.S. Case No. 359 of 2022,  
F.I.R. dated 21.11.2022 for the offences punishable under



Sections 302, 201, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, the informant Raju Kumar Manjhi, the brother of deceased briefly stated that the informant's deceased brother Sikender Manjhi solemnized love marriage with Soni Devi of his village but the in-laws members of deceased Sikandar Manjhi was regularly used to quarrel with informant's brother. On dated 20.11.2022 at 10 A.M. all the accused persons named in F.I.R. alongwith petitioner caught the informant's brother and took him away from his house of assaulting him. The informant's family tried to rescue his brother from the clutches of accused persons but in vain and the accused persons were saying to kill the informant's brother. Subsequently at about 12 A.M. in night the informant and his family members on hearing Hulla about hanging went there and found his brother hanging by rope in dead condition in mango orchard and found swelling on his body and neck due to assault and the accused persons have committed the murder of informant's brother by assaulting and pressing his neck and hanged the dead body on a tree.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R.. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the present occurrence and merely on the basis of suspicion, the informant has implicated these petitioners in the present false and fabricated case and it has come during investigation that the petitioner namely, Aditya Manjhi has illicit relation with the wife of the deceased and on this ground the deceased has committed suicide himself.

5. Learned counsel for the petitioners further submits that there is no ante-mortem injury was found on the person of the deceased and the postmortem report reveals that only ligature mark was found on the person of the deceased. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 22.11.2022.

6. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners always threatened the deceased but they fairly submits that there is no



eye witness of the alleged occurrence.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Araria in connection with Palasi P.S. Case No. 359 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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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