

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48359 of 2023

Arising Out of PS. Case No.-121 Year-2021 Thana- NAWADA District- Nawada

RAJESH MANJHI S/O LALO MANJHI R/O Village- Gavschak, Siswan,
P.S- Town Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-08-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Nawada Town P.S. Case No.121 of 2021, registered for offence punishable under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 10.01.2023, passed in Criminal Miscellaneous No.15612 of 2022.

The accusation levelled against the accused persons including the petitioner herein is that the land/field of the informant is situated near Aahar (raised pathway), and on the side of it some Mahadalit families have constructed their houses near Sisma Mushahari river and whenever the informant sows a



crop, the persons belonging to Mahadalit community destroy the said crops by leaving animals in the field of the informant. It is also alleged that in the current year also the informant had sowed crops but the said people had destroyed the same by leaving their animals in the field, who had eaten the said crops leading to an altercation in between the son of the informant and the accused persons. It is further alleged that on 26.10.2020 at about 14:00 in the afternoon, while the son of the informant, namely, Deepak Kumar along with his friend Sonu Kumar was going to his field for watching his crops, on the way the accused persons including the petitioner herein had surrounded the son of the informant and his friend and had started assaulting them leading to the son of the informant sustaining serious injuries on his head, whereafter he had become unconscious, however, upon the other person, namely, Sonu Kumar having raised an alarm, the persons working in the field had arrived there leading to the accused persons fleeing away. Thereafter, the injured persons were brought to the hospital, however, subsequently the son of the informant died.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 24.12.2021 and there is no possibility of completion of the trial in the near



future, hence the petitioner be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that while rejecting the case of the petitioner for grant of bail on the earlier occasion vide order dated 10.01.2023, this Court had examined the case diary and found ample materials to prima facie show the complicity of the petitioner in the alleged occurrence, hence no sympathy should be shown to the petitioner, who has engaged in heinous murder of the deceased.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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