

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53376 of 2023

Arising Out of PS. Case No.-253 Year-2021 Thana- BELAGANJ District- Gaya

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Kallu Mian Son Of Kaim Mian R/O-Pachmahla, P.S.-BELAGANJ, Distt.-
GAYA

... .. Petitioner/S

Versus

The State of Bihar Patna,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-09-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Belaganj P.S. Case No. 253 of 2021 registered for the offence
under Sections 302/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.03.2023.

4. As per the allegation set out through present F.I.R.,
Kishori Manjhi and Arjun Manjhi asked the husband of
informant forcibly for cutting fodder and also asked him to
sharp the blade of fodder-cutting machine. In that course,
petitioner and one Suhail Mian ordered one Kishori Manjhi to
start the tractor resultantly, the leg and hand of informant
subsequently cut down and he died on the spot.



5. Learned counsel appearing on behalf of the petitioner submitted that it can be collected safely from the face of F.I.R., that informant is not the eye witness of the occurrence, where implication appears on the basis of hearsay input received from unknown source. It is further pointed out that assuming the narration of F.I.R. as correct, as set out through present written information, the maximum allegation, what appears against this petitioner, is only of an order giver alongwith co-accused Suhail Miya, who has already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 65286 of 2021 vide order dated 23.08.2022. It is submitted that thrust of allegation to cause death of husband of informant appears against co-accused Kishori Manjhi. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as thrust of allegation to cause death of husband of informant is available against co-accused Kishori Manjhi, where allegation against this petitioner is only to give



order to start tractor coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Belaganj P.S. Case No. 253 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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