

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59500 of 2023

Arising Out of PS. Case No.-748 Year-2022 Thana- GAYA MUFASIL District- Gaya

Kamlesh Manjhi Son Of Faudari Manjhi Village- Gandhar, Ps- Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307 and 326 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is that he assaulted his father by sharp weapon on his neck after consuming liquor due to which the informant's husband sustained injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to family dispute.



It is further submitted that petitioner had no motive to kill the informant's husband who is father of the petitioner as the petitioner was in drunken state. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.09.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 748 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Exclusive Spl Excise Court No-1, Gaya with following conditions :-

(i) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond will be cancelled by the Court below.



(ii) If the petitioner tampers with the evidence or threatens the witnesses in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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