

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68626 of 2022

Arising Out of PS. Case No.-71 Year-2006 Thana- MAHUA District- Vaishali

MILAN MANJHI S/O Machchhu Manjhi R/O Village- Bilandpur Mahadev ,
P.S- Mahua. District- Vaishali, At present R/O Village- Bishunpur Basant @
Subhai, Ward No- 13 Jamalpur Colony, P.S- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 05-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with Mahua P.S. Case No.71 of 2006 dated 22.04.2006
registered for the offence punishable under Sections 302 and 34
of the Indian Penal Code.
3. The main submissions advanced by the
learned counsel for the petitioner are that the petitioner is not
named in the FIR, though the instant matter relates to the year
2006 but the petitioner had no knowledge about the case as he is
not named in the FIR, though the petitioner's father is named in
the FIR but his father also had no knowledge about the present
case and the said fact may be verified from the supplementary



case diary and the investigating officer did not get warrant from the Court concerned in proper time and in this regard a detailed statement has been made in paragraph No.8 of the petition and when the petitioner's father was produced before the C.J.M., Vaishali he could not be remanded in judicial custody as the case record was traceless, hence he was sent back in police custody and accordingly there was not intentional non-appearance of the petitioner before the investigating officer and moreover the case of this petitioner has been committed to the Court of Sessions on 26.04.2023 and as per the FIR the main allegation is against co-accused Machchhu Manjhi and all the co-accused persons who are named in the FIR have been granted bail.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that the petitioner had evaded his appearance before the Court below and on account of his lingering attitude his trial could not be started .

5. Considering the above submissions and mainly the statements made in Paragraph Nos.8 to 13 of the petition and also the facts that the co-accused persons who are named are on bail as per above submission and the petitioner is not named in the FIR and his case has been committed recently,



in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released **on bail after framing of charge** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahua P.S. Case No.71 of 2006.

The trial Court is directed to frame charge upon the petitioner at the earliest, preferably in the next 20 days from the date of communication of this order, as per procedure of law.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

