

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62057 of 2022

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

=====

ARJUN MANJHI S/o Mohan Manjhi R/o village- Silaunja, Tola- Madhana,
P.S.- Belaganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Nand Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Belaganj P.S. Case No. 253 of 2021, registered for the

offences punishable under Sections 302 and 34 of the Indian

Penal Code.

The prosecution case as emerges from the FIR is

that Kishori Manjhi and Arjun Manjhi took away the husband

of the informant forcibly for cutting fodder and asked him to

sharpen the blade of fodder cutting machine. In the mean

time, Suhail Mian and Kallu Mian the owner of the tractor

ordered Kishori Manjhi to start the tractor. Then Kishori



Manjhi started the tractor and resultantly the leg and hand of the informant's husband got cut down and consequently he died on the spot.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged facts and circumstances does not constitute an offence of murder. In fact, this is the case of accident. He also submits that other co-accused Suhail Mian @ Suhail Alam has already been enlarged on bail by a coordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 65286 of 2021. He further submits that the case of the present petitioner stands on better footing than that of Suhail Mian @ Suhail Alam.

He further submits that the petitioner has been languishing in jail since 13.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-IIInd, Gaya in connection with Belaganj P.S. Case No. 253 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

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

