

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71158 of 2023

Arising Out of PS. Case No.-420 Year-2023 Thana- BARACHATTI District- Gaya

Rakesh Manjhi son of Mahadeo Manjhi @ Mahadev Mandal Village-
Jaiprakash Nagar, Shahpur Ps- Mohanpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case No. 420 of 2023 registered on 01.05.2023 for the alleged offences under Sections 328, 302 of the Indian Penal Code.

03. As per prosecution case, the sister of the informant was got married with the petitioner and three children were born out of their wedlock. On 29.04.2023, the petitioner informed the brother of the informant that he sister has consumed poison. When the informant and his villagers reached at the house of petitioner, they found that informant's sister lying dead. The informant showed his suspicion that the petitioner assaulted his sister and administered her poison.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. On the fateful day, the petitioner was not even present at the place of occurrence and the petitioner categorically denied that he gave any poison to the deceased sister of the informant. The marriage of the petitioner was solemnized with the deceased sister of the informant in the year 2015 and more than seven years have been passed and no complaint was made either by the deceased or by the informant or any other family members against the petitioner at all. There was good relationship between the petitioner and the deceased sister of the informant and out of their wedlock three children were born, who are still living at the house of the petitioner. Learned counsel further submits that the deceased sister of the informant had died due to food poison and the instant F.I.R. has been lodged at the instance of some mischief mongers. There was no motive of the petitioner in murder of his wife. Learned counsel further submits that the petitioner is in custody since 02.05.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that there is specific allegation



against the petitioner that he assaulted and administer poison to the sister of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no complain of any type of demand or even otherwise prior to the present occurrence and finding merit in the submission of learned counsel for the petitioner about false implication and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 420 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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