

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3937 of 2023

Arising Out of PS. Case No.-261 Year-2019 Thana- RAJGIR District- Nalanda

-
1. Shobhi Manjhi, Son Of Shankar Manjhi R/V- Ramanand Nagar, P.S- Rajgir Dist- Nalanda
 2. Rajendra Manjhi, Son Of Shankar Manjhi R/V- Ramanand Nagar, P.S- Rajgir Dist- Nalanda
 3. Uma Manjhi, Son Of Shankar Manjhi R/V- Ramanand Nagar, P.S- Rajgir Dist- Nalanda
 4. Jago Manjhi, Son Of Shankar Manjhi R/V- Ramanand Nagar, P.S- Rajgir Dist- Nalanda
 5. Shankar Manjhi, Son Of Shukar Manjhi R/V- Ramanand Nagar, P.S- Rajgir Dist- Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 24-07-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 149, 302, 120B of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his son (Sunil Rajbanshi) along with Pintu Rajbanshi had gone to Ramanand Nagar for paying money



to labourers. Further, they started seeing a dance programme there. It is next alleged that Pintu Rajbanshi came and disclosed that the accused persons including the petitioners killed his son while distributing money and threw his body near a temple. Accordingly, he went to the place of occurrence where his son was lying in an injured condition and was taken to hospital where he died during the course of treatment.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that it absolutely does not stand to reason that if what Pintu Rajbanshi had disclosed to the informant was true, then why the said information was not given to the informant on phone or why the police was not intimated at the first instance. It is next submitted that though Pintu Rajbanshi disclosed that the accused persons including the petitioners assaulted his son leading to his death, but when the informant went to the place of occurrence, his son was lying in an injured condition and was taken to hospital where he died during the course of treatment. It is thus submitted that this cast an aspersion on the case of the prosecution that as to whether Pintu Rajbanshi was even eye witness to the occurrence or not. It is further submitted that had Pintu Rajbanshi really witnessed the occurrence, then in all



probability the accused would not have left any evidence against themselves. It is further submitted at the cost of repetition that petitioners are persons with clean antecedent and during the course of investigation, it has come that one Renu Devi, who also used to send labourer, had taken money from the deceased and the labourers were not sent and when the deceased had gone to seek his money back, it is alleged that Renu Devi along with the accused persons including the petitioners assaulted the deceased.

5. The learned counsel further submits that if the accused had any intention of committing the occurrence, then they would not have left the victim in an injured condition, so that he could disclose about the occurrence, which also demonstrates that perhaps the occurrence took place in some other manner and the petitioners came to be implicated because of dispute of the deceased with Renu Devi. It is next submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda in connection with Rajgir P. S. Case No.261 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that in the event, if the Investigating Officer files an application before the learned trial Court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bonds of the petitioners after recording reasons.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

vikash/-

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

