

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.817 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- GRIYAK District- Nalanda

Shambhu Manjhi, Son of Sri Kalicharan Manjhi R/v- Bhagwanpur, P.S.-
Katrisarai, District- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Giriyak (Katrisarai) P.S. Case No. 216 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that on 27.04.2022, co-accused Sahdeo Manjhi and Budhan Manjhi and his son took away his father in the name of performing exorcism. On the next date when the father of the informant did not return to his



house, the informant along with his family members went to the house of the afore-noted person to enquire about his father and later on, he came to know that the dead body of his father is lying in a wheat field and the neck of his father was cut by using sharp cutting weapon. The informant further suspected the hands of the petitioner and other named accused persons in causing the death of his father.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the father of the informant was taken away by three named accused persons and no allegation in this regard has been levelled against the petitioner and others. However, later on only suspicion has been raised against the petitioner and others. He next submits that the reason behind the false implication is land dispute and save and except the suspicion, no other material has come during the course of investigation. He further submits that even during the course of investigation the sharp cutting weapon (*fasuli*) which is said to have been used in the crime has been recovered from the side of the house of Sanoj Manjhi and further the confessional statement of Sanoj Manjhi has been recorded by the police which is nothing but prepared in the presence of the police having no legal evidence in the eyes of law. He next



submits that the petitioner is in custody since 29.05.2022 and besides the present case, he is involved in an excise matter, as has been mentioned in paragraph no. 3 of the application, and moreover the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposed the bail application and submits that during the course of investigation, materials have come suggesting the involvement of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the suspicion there is no cogent material against the petitioner, coupled with the fact that investigation is complete and charge-sheet has been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Nalanda at Biharsharif in connection with Giriyak (Katrisarai) P.S. Case No. 216 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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