

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4078 of 2024

Arising Out of PS. Case No.-802 Year-2023 Thana- DOBHI District- Gaya

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Mahango Manjhi @ Mukhlal Kumar, aged about 28 years (Male), Son of Kishor Mandal, Resident of Village - Keshapi, Tola - Murgiya Jhor, P.S. - Dobhi, District – Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 23-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dobhi P.S. Case No. 802 of 2023 dated 21.07.2023 registered for the offences punishable under Sections 302 and 201 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have committed murder of the informant's younger daughter, namely, Anju Kumari.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has been made



accused in the present case only on the basis of suspicion. There is no eye witness to the alleged offence. It is submitted that the elder daughter of the informant has only said the informant that the deceased was used to talk with the petitioner on mobile phone. The real fact is that there was love affair between the petitioner and the deceased and during investigation, the elder daughter of the informant has stated that the petitioner had given a mobile phone to the deceased and from that mobile they used to talk to each other and due to that the family members of the deceased used to torture the deceased and on account of that she herself took poison. It is further submitted that during investigation, one Pintu Kumar has also stated before police that there was hot exchange on mobile phone between the deceased and the petitioner and except that nothing has come against the petitioner. It is further submitted that the deceased died in the midnight of 20.07.2023 to 21.07.2023 and her postmortem was conducted on 21.07.2023 at 11.45 A.M., but the doctor has opined the time of death 12 to 16 hours prior to the postmortem examination meaning thereby she would have died between 6.00 P.M. to 10.00 P.M. on 20.07.2023 which clearly falsifies the prosecution case. It has also come during the investigation that the deceased was also used to talk with other persons on her



mobile phone of the same locality. It is further submitted that no external and internal injury has been found on the body of the deceased and the cause of death has not been opined by the doctor for which viscera has been preserved and sent for chemical examination report. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 02.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that from perusal of paragraph no. 21 of the case diary, it appears that on the alleged date and time of the occurrence, the tower location of the mobile phone of the petitioner and the deceased through which talks were made between them are same location i.e., Kangar Cell ID 40552135622842.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of the allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Dobhi P.S. Case No. 802 of 2023, pending in the court of learned A.C.J.M.- Ist Class, Sherghati at Gaya.

7. The application stands rejected.



8. The learned trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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