

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28370 of 2023

Arising Out of PS. Case No.-192 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Shankar Manjhi, aged about 40 years (Male), Son of Hari Manjhi, Resident of
Village- Belatal, Mshahar Tola, P.S.- Pipra Kothi, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Uma Shankar Verma, Ritesh Verma and Kumari Anjali, Advocates
For the Opposite Party	:	Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Vide Order dated 08.04.2024, a report regarding the
present stage of the case was called for from the court of learned
J.M. Ist Class, East Champaran at Motihari in connection with
Pipra Kothi P.S. Case No. 192 of 2020.

3. In compliance of the aforesaid order dated
08.04.2024, a report regarding the present stage of the case has
been received by this Court which was sent by the learned 22nd
Additional District and Sessions Judge, Motihari, East
Champaran, vide its Letter No. 266 dated 19.04.2024, by which
he has reported that the charges against the accused persons
were framed on 09.10.2023 and summons, bailable warrant and



nonailable warrant through the Superintendent of Police, Motihari, against the prosecution witnesses have already been issued. It has further been reported by the learned court below that out of six charge-sheet witnesses, the prosecution has only examined three witnesses till date. It is further reported that no execution report of the processes have been received to this court and the prosecution was directed to adduce prosecution evidence on the next date. The case record is pending at the stage of prosecution evidence.

4. The petitioner seeks bail in connection with Pipra Kothi P.S. Case No. 192 of 2020 dated 19.06.2020 registered for the offences punishable under Sections 304B and 201/34 of the I.P.C.

5. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the informant's daughter due to non-fulfilment of demand of motorcycle as dowry.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that neither the petitioner demanded any dowry from the informant's daughter nor tortured and committed murder of the deceased. The petitioner is the



husband of the deceased. There is general and omnibus allegation against the petitioner and his entire family members. The petitioner was not present on the alleged date and time of occurrence because after the marriage he went outside the State for earning his livelihood. It is further submitted that the real fact is that the deceased was a loose temperament lady and she herself committed suicide. There is no eye witness to the alleged offence. The entire case is based on circumstantial evidence. It is further submitted that during the entire investigation, no witness has come forward to support the allegation as made in the F.I.R. It is further submitted that when the petitioner had come from outside Bihar, he came to know that police was searching him and then he immediately surrendered before the learned court below on 31.08.2022. It is submitted that the other co-accused persons, namely, Hari Manjhi, Kunti Devi, Prabhu Manjhi and Rambhu Manjhi have already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 43546 of 2023 under order dated 30.09.2021, annexed as Annexure-2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 31.08.2022.

7. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner and submitted that the petitioner is the husband of the deceased and she was killed by the petitioner and the co-accused persons for non-fulfilment of demand of motorcycle.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, East Champaran at Motihari in connection with Pipra Kothi P.S. Case No. 192 of 2020 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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