

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34224 of 2024

Arising Out of PS. Case No.-1090 Year-2023 Thana- MAJHAULIA District- West
Champaran

Ashok Manjhi, aged about 30 years, Male, S/o Late Madan Manjhi, R/o
Village Pipra Mushahari, P.S. Bettiah Muffasil, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. Sanjay Kumar, A.P.P.

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

ORAL ORDER

2 13-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Majhauilya P.S. Case No. 1090 of 2023 dated 15.12.2023
registered for the offences punishable under Sections 364, 302
and 201/34 of the I.P.C.

3. As per the prosecution case, on 21.10.2023 the
informant's brother Mritunjay Kumar Singh @ Ankur
(deceased) went to see fair but he did not return. They searched
several times but he could not trace out then his mother gave an
application for missing of his brother in Majhauilya Police
Station. It is further alleged that after some time, on secret
information, he came to know that the deceased was seen in



Pipra Bazar Police Station Muffasil with the other co-accused persons including the petitioner on 21.10.2023 in the night, upon which, he went to Pipra Bazar and met the co-accused Ajeet Sharma and inquired into the matter but he could not speak anything. On 15.12.2023, he got information that a dead body was recovered by the Mufassil Police Station, Bettiah near Pipra Bazar and the same has been sent to G.M.C.H., Bettiah for postmortem. He alongwith his father went to G.M.C.H. and in the postmortem room he saw the decomposed dead body and identified his brother from his Nokia Mobile, Smart Boy and Kada. It is further alleged that the deceased had good relationship with the accused persons and he always visited to them and prior to the alleged occurrence, a dispute arose for money between the deceased and the accused persons. It is further alleged that the informant believed that all the accused persons including the petitioner under conspiracy to each other threw the dead body of the deceased into water canal after killing him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. It is submitted that the deceased left the house on 21.10.2023 but the F.I.R. has



been lodged on 15.12.2023 after recovery of his decomposed dead body. There is no eye witness to the alleged occurrence. It is further submitted that the informant's brother (deceased) was used to take liquor and who might have fallen in the water canal or in some otherwise circumstances but after recovery of his dead body, the informant has falsely implicated the petitioner in the present case. Charge sheet has been submitted in the present case. It is further submitted that the similarly situated co-accused Ajeet Sharma has been granted bail by a Bench of this Court in Cr. Misc. No. 32650 of 2024 under order dated 07.05.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 16.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. 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 C.J.M., Bettiah, West Champaran in connection with Majhauiliya P.S. Case No. 1090 of 2023.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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