

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38041 of 2024

Arising Out of PS. Case No.-478 Year-2023 Thana- HISUWA District- Nawada

Jhigan Manjhi, aged about 32 years, Male, Son of Late Shankar Manjhi,
Resident of Village- Eknar, P.S- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hisua
P.S. Case No. 478 of 2023 instituted for the offences punishable
under Sections 147, 148, 149, 307 and 302 of the Indian Penal
Code.

3. As per the prosecution case, it is a case of assault
upon the father of the informant by means of an Axe (Tangi) by
the accused persons including the petitioner due to which he
succumbed to the injury and died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case. He further submits that some



altercation took place due to grazing of the vegetable field of the petitioner by the cow of sister of the informant. He next submits that there is no any cogent and legal evidence against the petitioner and merely on the basis of suspicion the petitioner is implicated in this case. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 28.08.2023

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and also perused the impugned order dated 11.12.2023 passed by the learned District and Sessions Judge, Nawada, it appears that all the FIR named accused persons are from same family and the specific allegation made against the petitioner that he assaulted the father of the informant by means of Axe (Tangi) due to which he succumbed to injury and died. From perusal of the case diary at paras 24 and 25 the eye witnesses of the occurrence has supported the version in the FIR and in paras 65, 66 and 70 also supported the version in the FIR. From perusal of the postmortem report, it is clear that the death has been caused by shock due to haemorrhage caused by fractured of occipital and left temporal bone.

7. Considering the brazen conduct of the petitioner



and specific allegation of assault and gravity of offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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