

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40807 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- MASHRAK District- Saran

Chhotelal Manjhi Son of Late Nagina Manjhi R/O Vill.- Sankauli, P.S.-
Mashrakh, Dist.- Saran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.navin Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Mashrakh

P.S. Case No. 50 of 2023 registered for the offences under

Section 302 of the Indian Penal Code.

3. The petitioner is named in the First Information

Report and is in custody since 07.02.2023.

4. Allegation against the petitioner is to commit

murder of mother of the informant by assault her with brick

piece, where assault alleged to be made repeatedly on her

face.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that petitioner implicated falsely with



the present case out of neighbourhood dispute and differences. It is pointed out that petitioner is in custody since 07.02.2023 and not a single prosecution witness appears to be examined in this case, therefore, petitioner cannot be kept behind the bar for an indefinite period in want of trial. It is submitted that petitioner found involved in one more criminal case of same nature, but he is on bail in that case.

6. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that informant who is the daughter of the deceased is an eye witness of the occurrence, where it is specifically alleged that this petitioner brutally and repeatedly assaulted upon the face of her mother during course of occurrence. It is submitted that upon autopsy, several fracture was noticed in facial bone, which was ascertained as the cause of death.

7. In view of aforesaid facts and circumstances as allegation of fatal physical assault is specifically available against this petitioner, where the manner of assault appears corroborated *prima-facie* with the finding of autopsy report,



prayer of bail of the petitioner is rejected herewith for the present.

8. In view of the fact that petitioner is in custody since 07.02.2023, learned trial court is directed to conclude the trial preferably within nine (9) months from the date of receipt of a copy of this order by taking this matter on board on day to day basis, if required.

9. If the trial is not concluded within the aforesaid period, the petitioner be at liberty to renew his prayer of bail, if so advised.

10. The Superintendent of Police, Chapra at Saran is directed to produce the charge-sheeted witnesses in connection with this case as and when directed by the learned trial court, so as the trial may conclude within the aforesaid period.

11. Let a copy of this order be sent to the office of Superintendent of Police, Chapra at Saran for its compliance.

(Chandra Shekhar Jha, J.)

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