

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42460 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- SHERGHATI District- Gaya

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Khelawan Manjhi @ Ramkhelaman Manjhi Son of Late Barat Manjhi
Village- Pathak Bigha, Ps- Dobhi, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary .

2. The petitioner seeks bail in connection with S. Tr.
No. 537 of 2022, 394 of 2023 arising out of Sherghati (Dobhi)
P.S. Case No. 122 of 2022 instituted for the offences under
Sections 302, 120B/34 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time, when the informant was going towards field, he
saw that the petitioner was coming from the fields and his right
thumb was injured and blood was oozing out and, thereafter, he
fled towards his house. It is further alleged that when the



informant went near the Boring, he saw that his elder brother was lying dead. It is further alleged that wife of the petitioner was also lying in unconscious state. It is, therefore, suspected that the petitioner along with co-accused Mahesh Yadav has committed the murder of the informant's brother and has also assaulted Chandrakali Devi (petitioner's wife) by using sharp cut weapons with intention to kill her.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is no specific allegation of any overt act against the petitioner. Learned counsel further submitted that there is no eye-witness to the occurrence and the entire prosecution case is based on suspicion. No incriminating article has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted against the petitioner under Section 302 of the Indian Penal Code. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.02.2022 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that accused persons including this



petitioner committed that murder of deceased Ramchandra Yadav (brother of the informant) and Chandrakali Devi by using various weapons and, as per post-mortem report, the injuries are ante mortem in nature caused by hard blunt substance and the cause of death is hemorrhage and shock. Learned counsel, therefore, urged that petitioner may not be released on bail.

6. As per the stage report dated 09.07.2024 sent by learned Court below, there are eight charge-sheeted witnesses in this case but none of them has been examined. It is further reported that if the prosecution cooperates, the case will be concluded within a period of six months.

7. Having considered the rival contention made on behalf of the parties and the material available on record, considering the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

8. Prayer is rejected.

9. Learned trial Court is directed to conclude the trial in an expeditious manner without unnecessary adjournments.

10. The District Magistrate, Gaya and the Superintendent of Police, Gaya are directed to produce the prosecution witnesses as and when required for expeditious disposal of the trial case.



11. Let a copy of this order be communicated to the
District Magistrate, Gaya and the Superintendent of Police,
Gaya

(Rudra Prakash Mishra, J)

Alok Verma/-

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