

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48605 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- GRIYAK District- Nalanda

Sanoj Manjhi Son Of Kalicharan Manjhi Resident Of Village - Bhagwanpur,
P.S. - Katrisarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

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

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

ORAL ORDER

6 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with Giriyaak
(Katrisarai) P.S. Case No. 216 of 2022 instituted for the
offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the co-accused Sahdeo
Manjhi and Budhan Manjhi and his son took away the father of
the Informant in the name of performing exorcism. On the next
day, when the father of the Informant did not return to his house,
the Informant along with his family members went to the house
of the afore-noted persons to enquire about his father and later
on, he came to know that the dead body of his father is lying in
a wheat field and the neck of his father was cut by using sharp



cutting weapon.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and during investigation, he was arrested on 07.05.2022 only on the ground of suspicion. There is no specific and direct allegation of any overt act against the petitioner. Charge-sheet in this case has been submitted against the petitioner. He further points out that in Para 46 of the case diary, there is a confessional statement of the petitioner which is not admissible in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 07.05.2022.

5. Learned counsel for the petitioner again points out that the co-accused Shambhu Manjhi has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.04.2023 passed in Cr. Misc. No. 817 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He has submitted that there is a statement of the petitioner made under



Section 161 of the Cr.P.C. in which he has confessed his guilt. He further states that in para-48 of the case diary, it has been stated that on the disclosures made by the petitioner, the alleged *Hasuli* has been recovered by the police which also corroborates the postmortem report of the deceased wherein it has been stated that the murder was caused by sharp-cutting weapon. He further submits that in para-14, 15, 16 and 17 of the case diary, there is statement of the witnesses who have corroborated the case of the prosecution.

7. Considering the entire facts and circumstances of the case and taking into account the confessional statement of the petitioner coupled with the fact that on his disclosure, the police has recovered the sharp cutting weapon as also considering the allegation against the petitioner which is serious in nature, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner is rejected for the present with a direction to the court below to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of a copy of this order.

9. If the trial is concluded within the aforesaid period of nine months, the petitioner will be at liberty to renew his



prayer for bail before the court below which will consider the same on merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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