

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58478 of 2024

Arising Out of PS. Case No.-319 Year-2021 Thana- FATEHPUR District- Gaya

Shambhu Manjhi son of Karu Manjhi Resident of Village -Gani Pipra PS-
Fatehpur district -Gaya

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
	:	Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-11-2024 Heard Mr. Alok Kumar Alok, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with S.Tr. No.- 57 of 2022 arising out of Fatehpur P.S. Case No. 319 of 2021 for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code, lodged on 20.09.2021 by the informant, Girani Devi.

3. As per the prosecution story, the informant alleged that the marriage of the deceased was solemnized with this petitioner fifteen years ago and four children arrived in this world of the said wedlock. The petitioner was having a relation with one Rita Devi which was objected by the deceased for which she was regularly abused and in the process was killed. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a bare



perusal of the fact that four children arrived in this world would show that they had a very healthy relationship, of late, she was depressed, committed suicide but has been given the colour of killing. All the four children are residing in the house of the petitioner and there is absolutely no one to look after them. He has remained in custody for three years and if granted relief, shall diligently appear in trial without fail.

5. Learned APP for the State opposes the prayer submitting that the cause of death has been recorded as asphyxia due to strangulation.

6. In this case, the coordinate Bench had called for the case diary which is on record and as per the letter no.422 dated 29.08.2024 issued by the Trial Court, though, charges have been framed, not a single witness has been examined.

7. Taking into account the aforesaid facts coupled with the fact that the petitioner is in custody since 21.09.2021 (paragraph no.16 of the petition) having no criminal antecedent, has already remained in custody for three years, has to take care of four children, there is no sight of Trial been concluded in near future due to the fact that not a single witness has been examined, it has been undertaken that he shall be diligently appearing in Trial, in that background, this Court is inclined to extend him the privilege of bail.



8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Gaya in connection with S.Tr. No.- 57 of 2022 arising out of Fatehpur P.S. Case No. 319 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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