

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61177 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

Sanni Kumar S/o Late Suryadev Manjhi R/o vill - Sahdev Khap, P.S. -
Magadh University, Bodh Gaya, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyaveer Jha, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Magadh
University P.S. Case No. 067 of 2024 instituted for the offences
under Section 302 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of committing murder of his father by way of
stabbing iron rod in his neck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
There is no eye-witness to the alleged occurrence. Even the
Informant is not the eye-witness as he got information about the



occurrence from her sister Babita Devi. Even Babita Devi is also not the eye-witness rather is the hear-say witness. The petitioner was also having no intention to kill the deceased rather, in self-defence, unfortunately, the iron rod entered in the neck of the deceased and, thus, Section 302 of the I.P.C. is not made out against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 31.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is a direct allegation against the petitioner of committing murder of the deceased. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties as also after going through the case diary, it appears that there was a scuffle between the petitioner and his father and, in course of fight, unfortunately, the iron rod entered in the neck of the deceased, causing his death though there was no intention of the petitioner to kill him. From perusal of the postmortem report, it appears that all the injuries were antemortem may be due to sharp and pointed weapon and hard and blunt force may be due to physical assault.



7. Considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Magadh University P.S. Case No. 067 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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