

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73798 of 2024

Arising Out of PS. Case No.-135 Year-2019 Thana- FATUA District- Patna

Raj Kumar Manjhi Son of Devlal Manjhi, resident of Village-Bankipur,
Machhariawan, P.S. - Fatuha, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-12-2024 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Fatuha P.S. Case No. 135 of 2019, registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal
Code.

3. The allegation is regarding the brother of the informant
having been killed by unknown persons, whereafter his dead
body was thrown in a water body outside the village.

4. The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 22.03.2024. The learned counsel for the
petitioner has further submitted that there is no eye-witness to



the alleged occurrence and moreover, no material has been collected during the course of investigation to point out the guilt of the petitioner in the alleged crime.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted by referring to the case-diary that the accused persons, including the petitioner on the previous night and the deceased had sat at the house of the petitioner and had consumed drinks, whereafter on the next day, the dead body of the victim was found, hence circumstantial evidence points out towards the guilt of the petitioner in the alleged crime, nonetheless it is fairly submitted that otherwise minuscule evidence is available on record to connect the petitioner with the allege crime.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those contained in the case diary, this Court finds that there is minuscule evidence available on record so as to connect the petitioner with the alleged crime, apart from the fact that there is no eye-witness to the alleged occurrence and even if it is to be believed that the accused persons, including the petitioner and the deceased had consumed liquor together at the



house of the petitioner, the same does not imply that the petitioner has killed the deceased and moreover, similarly situated co-accused person has already been granted the privilege of regular bail by this Court, by an order dated 30.01.2023, passed in Cr.Misc. No.36436 of 2022, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Patna City in connection with Fatuha P.S. Case No. 135 of 2019.

(Mohit Kumar Shah, J)

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