

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77936 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- ROSHANGANJ District- Gaya

Prakash Manjhi @ Ram Prakash Son of Late Nageshar Manjhi Resident of
Village- Nawadih, PS- Banke Bazar Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dudheshwar Singh, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State and also perused the case diary.

2. The petitioner seeks bail in connection with
Roshanganj (Banke Bazar) P.S. Case No. 70 of 2022 instituted
for the offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the Informant Rinku Devi
has alleged in her written report that her younger sister Geeta
Devi was doing the profession of goat rearing by taking loan
from Jivika Group and was raising all her three children in
which two sons were aged about 10 years and 8 years and one
daughter who was aged about 5 years. On seeing the poverty of
her sister, the Informant was bringing up her both sons in
Bodhgaya. The Gotiya or her sister, Mahendra Manjhi, Ajay



Manjhi, Prakash Manjhi and son of Mahendra Manjhi namely Sujeet always used to assault her with a view to dispossess her from the property. On 10.04.2022 at about 1.00 AM in the night, she received information from mobile No. 7667336200 to son of Informant mobile no. 912229618 that her sister Geeta Devi died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no specific allegation of any assault or over-act against the petitioner rather the same is general and omnibus against the accused persons including the petitioner. The petitioner is the brother-in-law of the deceased and he is living in a separate house with the deceased and her family members. 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 30.10.2022. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the similarly situated co-accused Ajay Manjhi @ Dhananjay Manjhi has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 22891 of 2023.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent as also the claim for bail being based on parity, 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 Roshanganj (Banke Bazar) P.S. Case No. 70 of 2022, subject to conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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