

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77091 of 2023

Arising Out of PS. Case No.-538 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Rajan Manjhi S/o Gamha Manjhi @ Gama Manjhi @ Gamka Manjhi
Resident of Village - Karmaini Gaji, P.S.- Kuchaikote, District - Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-01-2024 Heard Mr. Adesh Raj, learned counsel appearing on behalf of the petitioner and Mr. Bhanu Pratap Singh, learned APP for the State.

2. This is the second attempt made on behalf of the petitioner, for grant of regular bail, in connection with Session Trial No. 233 of 2023, arising out of Kuchaikote P.S. Case No. 538 of 2021, registered for the offences punishable under Sections 341, 323, 324, 307, 302 and 504/34 of the Indian Penal Code.

3. Earlier, the prayer for bail of the petitioner was negatived by this Court, vide order dated 11.01.2023, passed in Cr. Misc. No. 32119 of 2022, considering the specific nature of accusation that the petitioner has brutally assaulted the husband of the informant over his head by means of *farsa*, due to which he sustained grievous injury, resulting into his death.



4. It is submitted on behalf of the petitioner that though, earlier, the prayer for bail of the petitioner was rejected on merit, however, it is also the fact that as per the narrations made in the FIR, it is evidently clear that there is no allegation of repetition of blow. That apart, it has specifically alleged that the moment the deceased fell on the ground, all the other accused persons also assaulted him. Thereafter, he was taken to hospital and died after two days, whereupon, this FIR has been instituted. He next submitted that though the petitioner has been incarcerated since 29.08.2021, but, till date, not a single witness has been examined and, as such, there is no chances of conclusion of trial in near future.

5. Per contra, learned APP for the State while vehemently opposing the prayer for bail has submitted that there is specific allegation against the petitioner of assault over the head of the husband of the informant and the allegation also corroborated by the post-mortem report. So far the trial is concerned, charges have already been framed on 11.04.2023, and there is every possibility that the learned trial Court will take all the endeavours to conclude the trial, as early as possible.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that despite the framing of the charge on 11.04.2023, till date, not a single



witness has been examined and, as such, there is no likelihood of completion of trial in near future, coupled with the fact that the petitioner has been incarcerated since 29.08.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – IX, Gopalganj in connection with Session Trial No. 233 of 2023, arising out of Kuchaikote P.S. Case No. 538 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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