

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77840 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- KANTI District- Muzaffarpur

=====

JAYASI MANJHI SON OF LATE JAGGAN MANJHI RESIDENT OF
VILLAGE- AHALADPUR, PS- KANTI, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Kanti P.S. Case No. 128 of 2023 under Sections 302/34 of the Indian Penal Code lodged on 17.02.2023 by the informant, Kailash Manjhi.

3. As per the prosecution story, the informant's sister, Babita Devi had married Ajit Manjhi and later, she abandoned him and married Sudhir Manjhi. The allegation is that the wife of Sudhir Manjhi namely Komal Devi along with her associates conspired and led to the killing of lady. The petitioner is uncle of the Sudhir Manjhi. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that it was a case of suicide which has been given the colour of killing. There is an inordinate delay in lodging of the FIR inasmuch as, the



occurrence took place on 12.02.2023 whereas the FIR was lodged on 17.02.2023. His further submission is that the husband of the deceased is in custody since 25.04.2023, he is the uncle and was living away from the couple and is in custody since 08.06.2023 (para-14 of the petition). The further submission is that in Cr. Misc. No. 77820 of 2023, the aunt of the husband Sudhir Manjhi namely Sunita Devi has been extended the benefit of anticipatory bail on 19.03.2024, let the copy of the order be kept on record.

5. Learned counsel appearing on behalf of the informant opposes the prayer for bail stating that though it has been converted into 306 of the IPC, the onus lies on the accused side of forcing her to commit suicide.

6. Taking into account the aforesaid facts as also that the petitioner is the uncle of the husband Ajeet Manjhi who is in custody as stated above, he do not have any criminal antecedent and will ultimately be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Kanti



P.S. Case No. 128 of 2023 subject to the following conditions:

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

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 no 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 their bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

