

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79997 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- BIHTA District- Patna

Chhillu Manjhi @ Suvas Manjhi Son Of Vigan Manjhi @ Began Manjhi R/O
Village- Bishambharpur Balupar, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parashuram Singh
For the Opposite Party/s : Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the present case based on suspicion. It is
next submitted that the informant alleges that her husband,
Sunny Kumar @ Roshan Kumar, used to go to the house of
Fulwa Devi for the last one year and on 6-3-2023, she came to
know that the dead body of her husband was lying in the house
of Fulwa Devi. Accordingly, she along with her family members
went to the house of Fulwa Devi and found the dead body of her



husband with mark of injury. Accordingly, on inquiry, it transpired that petitioner, Fulwa Devi, Ramanti Devi, Hemanti Devi and others have committed murder of her husband.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence and the informant admits that her husband was going to the house of Fulwa Devi for the last one year, so it may be a possibility that on account of some animosity in between Fulwa Devi and the husband of the informant, the occurrence took place. It is also submitted that the entire allegation hinges around suspicion; and Ramanti Devi and Hemanti Devi who are also named accused in the FIR had approached this court seeking anticipatory bail by filing Criminal Miscellaneous No. 53817 of 2023 and the learned Coordinate Bench by an order dated 23-8-2023 was pleased to grant the privilege of anticipatory bail to them. It is thus submitted that the case of the petitioner is also on a similar footing.

5. The learned APP vehemently opposes the anticipatory bail application of the petitioner and submits that the consideration for grant of anticipatory bail to Ramanti Devi and Hemanti Devi was that they are women, but from perusal of



the allegation as alleged in the FIR, it would manifest that petitioner is nephew of Fulwa Devi and it is not possible for a woman to single-handedly kill a man. It is also submitted that marks of injury were also found on the body but then the learned APP fairly submits that informant is not an eyewitness and the allegation hinges around suspicion.

6. At this stage, the learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 226 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event of the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner, despite



giving assurance to this court, is not cooperating in the investigation, in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner. It is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, in that event also the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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