

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10787 of 2026

Arising Out of PS. Case No.-383 Year-2025 Thana- PAKARIBARAW District- Nawada

Santosh Manjhi Son of Bhagi Manjhi Village -Dumrawa, P.S-. Pakribarawan,
District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sudhir Kumar Singh, Advocate Mr. Amrish Kumar, Advocate
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-04-2026 Heard Sudhir Kumar Singh along with Mr. Amrish Kumar, learned counsels appearing on behalf of the petitioner and Mr. Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Pakaribaraw P.S. Case No. 383 of 2025 registered for the offence(s) punishable under Sections 105,74,351(2),352,3(5), of the BNS.

3. According to the allegations made in the FIR, the accused persons named therein, including the petitioner, misbehaved with the informant's cousin sister and subsequently when grandfather of the informant went to the house of the accused persons, they assaulted the informant's grandfather, by



means of slap and also knocked down on the ground, as a result of which, he died.

4. Learned counsel appearing on behalf of the petitioner submitted that a bare perusal of the FIR reveals absence of *mens rea* on the part of the petitioner to cause the death of the informant's grandfather. It is contended that the essential ingredients of culpable homicide are not satisfied and, therefore, no offence under Section 105 of the BNS is made out. It is further submitted that, at best, the allegation against the petitioner is that he pushed the deceased, an elderly person, who fell and later died. Referring to the post-mortem report, it is argued that the cause of death has been attributed to impact with a hard surface. It is also submitted that the petitioner has clean antecedent and that the allegations are general and omnibus in nature, as two persons have been made accused for the alleged act and only one injury on the skull has been found on the body of the deceased.

5. *Per contra*, learned APP for the State has opposed the prayer for pre-arrest bail and submitted that the FIR discloses two distinct sets of allegations. The first pertains to misconduct by the petitioner and co-accused with the minor sister of the informant, including catching hold of her hand,



thereby *prima facie* attracting the provisions of Section 8 of the POCSO Act. The second relates to the assault on the informant's grandfather, which ultimately resulted in his death. It is contended that sufficient materials have emerged during the course of investigation to support the allegations and, therefore, the petitioner don't deserve to be released on pre-arrest bail.

6. Having heard the rival submissions and upon perusal of the materials available on record, it appears that the allegations in the FIR can be bifurcated into two parts. The first part relates to the alleged misconduct with the minor victim, aged about 15 years, wherein the petitioner is alleged to have caught hold of her hand, *prima facie* attracting an offence under the POCSO Act. This allegation is further supported by the statement of the victim recorded under Section 180 of the BNSS.

7. The second part pertains to the alleged assault on the informant's grandfather, which led to his death. In this regard, the allegations against the petitioner appear to be general and omnibus. The materials on record indicate that only one injury was found on the deceased, and the medical opinion attributes the cause of death to impact with a hard and blunt surface. *Prima facie*, therefore, no specific overt act is



attributable to the petitioner in causing the fatal injury.

8. However, it is noteworthy that the learned District Court did not adequately consider the allegation relating to the overt act allegedly committed by the petitioner against the minor victim, which finds support from her statement recorded under Section 180 of the BNSS.

9. Accordingly, the learned District Court is directed to record the statement of the victim under Section 183 of the BNSS. In the event that the victim does not support the prosecution case, the petitioner shall be released on pre-arrest bail on such terms and conditions as the learned District Court may deem fit and proper.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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