

In the Court of Additional Sessions Judge-V, Danapur
Session Trial No. 92 of 2021
(Arising out of Bikram P.S. Case No. 205 of 2019)

17.02.2022

The bail petition filed on dated 07.02.2022 on behalf of the accused-petitioner namely Dhuri Manjhi, son of late Manjhil Manjhi, R/o Sundarpur Chauthiya, P.S. Bikram, District-Patna has been pressed today. A copy of the bail petition has already been served to the learned Addl. P.P.

The petitioner is in judicial custody since 04.07.2019 in connection with Bikram P.S. Case No. 205 of 2019 for the offence under Section **302 of I.P.C.**

Heard Sri Ravish Kumar on behalf of the accused-petitioner, learned Addl. P.P. on behalf of the State.

The prosecution case, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Kanti Devi alleging that on 03.07.2019 in the night, both of us husband and wife were going to sleep after having dinner that at around 11:30 P.M in the night, Dhuri Manjhi of her own village hit her husband on the head with an iron khanti in his hand and cut off his head completely. Informant further alleged that in defence, her husband picked up the bamboo and hit the Dhuri Manjhi due to which he was also injured. On getting information about the occurrence, the police station came and found her husband dead at the spot itself and after Dhuri Manjhi in an injured condition, the police taken both of them in their vehicle. She have full faith that her husband Mahendra Manjhi has died due to beating him on the head with khanti.

The learned counsel for the accused-petitioner submitted that the petitioner is quite innocent and has committed no any offence and the charge frame against the petitioner on 22.02.2021 by this learned court and summon issued against charge sheeted witnesses on 24.02.2021 but till date no witnesses appear before this learned court and no any article seized by police from the position of petitioner in which fingerprint found. He further submitted that the petitioner is routing jail since 04.07.2019 without any fault and from perusal of case diary it is quite clear that false case lodged against the petitioner because contradictory statements of informant and other witnesses and motive of petitioner and from perusal of postmortem report it is quite clear that time of death is before 11:00 P.M. on 03.07.2019 while it is mentioned in FIR that time of occurrence is 11:30 P.M. on 03.07.2019 and the petitioner has given a written application to legal aid from Beur jail for appoint the counsel in this case thereafter I am appointed by legal service committee Danapur so humbly submission to this learned court please enlarge the petitioner on furnished personal bond and serve the copy of bail order to Beur Jail for demand the persona bond and the petitioner is ready to furnish bail bond with proper sureties. That no any pairvikar of petitioner I am appointed a counsel of petitioner by Committee Legal Service Authority, Danapur in request of petitioner Beur Jail vide Memo No. 13370 dated 14.11.2021 so I have no knowledge about criminal incident of petitioner but no any criminal history mentioned in case diary. Earlier no anticipatory bail petition or regular bail was filed either before Sessions Judge, Patna or before Hon'ble High Court, Patna, except this one.

Learned Addl. P.P. vehemently opposed the prayer of bail and submitted that the petitioner is the main assailant who assaulted the deceased with an iron rod. During the course of investigation the witnesses have supported the prosecution case. Accused was caught on the spot.

I have heard the rival submission of both the sides and perused the case record. The petitioner is named in the FIR. The allegation against the petitioner is that he assault on the

contd.
17.02.2022

head of the informant's husband with iron rod causing head injury. The deceased succumbed to injuries. Para 4, 9, 10, 11, 12, 13, 14 the witnesses have supported the prosecution case. The allegation is corroborated by the postmortem report. The case is at the stage of evidence. The allegation is serious in nature. As per Para 3 of the bail petition there is no criminal antecedent mentioned in the case diary. Considering the facts and circumstances of case, nature of allegation, gravity of the offence, stage of the case and there is serious apprehension that the accused-petitioner herein may threatened and influence the witnesses not to depose before the court or to depose in favour of the applicant, I am not inclined to enlarge the petitioner/accused on bail. Accordingly, the bail petition of the petitioner is hereby **rejected**.

Any observation made herein will be inconsequential during trial or any further stage of the case.

(Dictated)

Sd/-

Additional Sessions Judge-V
Danapur
17.02.2022