

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18284 of 2017**

Arising Out of PS.Case No. -371 Year- 2016 Thana -PHULWARI District- PATNA

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1. Manoj Kumar, Son of Udit Rai @ Udit Gope, Resident of Village- Pasahi  
Faridpur, P.S.- Janipur, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      17-05-2017                      Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 302/34, 120B of the Indian  
Penal Code and Section 27 of the Arms Act.

According to First Information Report, the  
informant was informed that someone has shot at his father and  
the victim was being carried to the hospital. When the informant  
reached at the hospital on 04.07.2016 itself i.e. the date of  
occurrence, he found his father dead. The informant suspected that  
the petitioner might be involved in commission of the murder as  
father of the informant had disclosed about some criminal act of  
the petitioner to the police and the petitioner was carrying grudge.  
After three months of the occurrence on 04.10.2016, a nephew of



the deceased stated before the police vide paragraph 229 of the case diary that he is a witness of the occurrence and the petitioner was the assailant. During investigation, it is said that there is dying declaration of the deceased also wherein the name of the petitioner transpired.

Submission of the petitioner is that both the aforesaid materials are unbelievable because there was no reason for non-disclosure of the name of the assailants for three months by a witness, who is relative of the deceased. Further there is no reason for non-disclosure of the dying declaration, if there was any to the informant and its non-disclosure in the FIR.

On the other hand, learned counsel for the informant opposed the prayer for bail on the ground that co-accused Md. Khalid has been refused bail by a Coordinate Bench of this Court in Cr. Misc. No. 45241 of 2016. Perused the order dated 26.11.2016 passed in Cr. Misc. No. 45241 of 2016. The order does not reveal the material which was considered for refusal of bail to the said co-accused.

What I find that everything has been leveled against the petitioner at the belated stage due to old rivalry, hence, the petitioner deserves bail, accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna/successor Court in connection with Phulwarisharif Police Station Case No. 371 of 2016, subject to the condition that both the bailors shall be resident of the territorial jurisdiction of the trial court. The petitioner is further directed to fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

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