

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5484 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- SANOKHAR District- Bhagalpur

MANOJ SINGH @ MANOJ KUMAR Son of Sri Krishandeo Singh Resident
of Village - Ratanpur, P.S. - Sanokhar (Amdanda), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Diwakar Prasad Singh, learned counsel for the petitioner, Shri Akshay Lal Pandit, learned A.P.P. for the State and Shri Praveen Kumar, learned counsel for the informant.

The petitioner seeks regular bail in connection with Sanokhar (Amdanda) P.S. Case No. 129 of 2019, registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code and



Section 27 of the Arms Act.

The case of the prosecution in brief is that on 22.09.2019 at about 9:00 PM., the Mukhiya of Madarganj village Panchayat, namely, Rajesh Kumar Singh @ Pappu Singh had called the husband of the informant on telephone to his home where the other F.I.R. named accused persons were also present and were consuming liquor. It is further alleged that after sometime, sound of gunshot firing was heard and an alarm was raised that the Mukhiya and his people have shot the husband of the informant, whereafter the informant and her family members had rushed to the place of occurrence and saw that her husband was lying dead and the accused persons including the petitioner herein were taking the body of the husband of the informant on a Scorpio vehicle in order to conceal and dispose of the dead body, however, the driver of the said car, namely, Kanhaiya Singh, was caught and four empty cartridges were recovered from his pocket.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that a general and omnibus allegation has been leveled as far as the petitioner is concerned and there is no allegation of the petitioner having engaged in any sort of specific overt act or having fired gunshots on the deceased. It is further submitted that the co-accused persons, similarly situated, have already been granted bail by coordinate Benches of this Court vide orders dated 20.2.2020, 4.3.2020 and 28.5.2020 passed in Criminal Miscellaneous No. 1543 of 2020, Criminal Miscellaneous No. 15056 of 2020 and Criminal Miscellaneous No. 149 of 2020 respectively. Lastly, it is submitted that the petitioner is languishing in custody since 19.11.2019.

Per contra, the learned APP for the State and the Ld. Counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances



of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, apart from the fact that the petitioner is having a clean antecedent, he is languishing in custody since 19.11.2019 and a general and omnibus allegation has been leveled as against him, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 129 of 2019.

(Mohit Kumar Shah, J)

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