

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18376 of 2020**

Arising Out of PS. Case No.-608 Year-2017 Thana- SONEPUR District- Saran

MANISH KUMAR Son of Pawan Kumar Singh @ Pawan Singh Resident of
Village- Bharpura, P.S.- Sonapur, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 25-08-2020 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 the learned counsel appearing for the petitioner and Shri Jitendra Kumar Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sonapur P.S. Case No. 608 of 2017 for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation levelled by the prosecution is that in the night of 29.12.2017, at about 8:10 P.M., the son of the informant had gone outside the house after having his food for taking a stroll, however, when he did not return for some time, Smt. Manju Devi went outside the house at about 8:30 P.M.



whereupon she saw that her nephew namely Ranjan Kumar was lying outside the gate and blood was oozing from his head whereupon he was kept in a Maruti car and taken to Mishra clinic at Hajipur, however, the doctor declared him to have been brought dead. It is the further case of the prosecution that the police was informed and the dead body was sent for post-mortem.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case merely on suspicion and there is no eye witness to the occurrence much less anyone having seen the petitioner at the alleged time and place of occurrence. It is further submitted that till the institution of the present case, the petitioner was having a clean antecedent, however, thereafter he has been made an accused in one other case but he is on bail in the said case. It is further submitted that the petitioner is languishing in custody since 31.01.2020. Lastly, it is submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed upon the petitioner for the purposes of grant of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



I have heard the learned counsel for the parties, perused the materials on record as also gone through the case diary in question. It is apparent from the records of the case that the FIR has been lodged against unknown persons and during the course of investigation, miniscule material appears to have been collected so as to prima facie make out a case as against the petitioner herein, however, subsequently the aforesaid Manju Devi has stated in her statement made before the police that on the previous day a quarrel had taken place in between the petitioner and the deceased on account of the deceased objecting to the misbehaviour of the petitioner with the local girls, which has resulted in the occurrence in question wherein, the deceased has hit on the head by the petitioner with some weapon, resulting in his death. This Court finds that if the said Manju Devi was so sanguine about the petitioner and others having committed the offence, as alleged by the informant, she could have disclosed their names before the informant at the time of lodging of the FIR and then the FIR would not have been lodged against unknown accused persons.

Having regard to the facts and circumstances of the case and the materials available on record, this Court finds that benefit of doubt can be extended to the petitioner herein for the



purposes of grant of regular bail, however, subject to certain conditions, which in any view of the matter, the petitioner is ready to abide by.

Accordingly, the petitioner, above named, is directed to 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 Additional Chief Judicial Magistrate-Ist, Saran at Chapra in connection with Sonapur P.S. Case No. 608 of 2017.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of bail shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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