

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23257 of 2020

Arising Out of PS. Case No.-283 Year-2019 Thana- JHAJHA District- Jamui

Mannu Khan S/O Matin Khan Village-Khalasi Mohalla, P.S.-Jhajha, District-Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vikramdeo Singh, Advocate and Mr. Satya Prakash Parasar, Advocate
For the Opposite Party	:	Mr. Pramod Kr. Sahay, Addl Public Prosecutor Mr. Alok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-01-2021 Heard learned counsel for the petitioner, the State and the informant.

Petitioner seeks regular bail in Jhajha Police Station Case No. 283 of 2019 registered for the offences punishable under Sections 302/201/120B/34 of the Indian Penal Code as well as section 27 of the Arms Act.

The prosecution case in short is that the petitioner Mannu Khan called the brother of the informant, Abdul Kalam Ansari on his mobile phone and conveyed him that co-accused, Bittu Khan and abba (Matin Khan) want to see him and waiting for him in his (petitioner's) house. Thereafter, the brother of the informant along with one Israel Haque went on a motorcycle. After some time, the informant called on the mobile phone of



his brother, but it was picked up the petitioner Mannu Khan and he responded that the informant's brother will return back to home in some time. Thereafter, the informant again made a call on the mobile phone of his brother, but then none picked up his call. Meanwhile, informant went to the house of co-accused, Israel Haque and inquired about his brother. Israel Haque replied that he saw the petitioner Mannu Khan, Bittu Khan, Matin Khan and Rajiv Sharma along with two unknown in the company of his brother standing near Almirah go-down of the petitioner. All of them entered into the Almirah go-down of the petitioner and asked Israel Haque to return home. Thereafter, the informant informed the police about the incident. Subsequently, the broken mobile phone, motorcycle and dead body of the informant's brother with fire arm injury was recovered and the lungi of the victim was recovered from the Almirah go-down of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He submits that because of old enmity, informant might have suspected the hand of the petitioner in the alleged occurrence. Besides this, it is alleged that at the relevant time when the informant made phone call to his brother/the victim, it was the petitioner who



received that phone call in place of the victim. Petitioner is in custody since 25.11.2019.

Learned counsel for the informant as also the State oppose the prayer for bail. They submit that during investigation police recovered dead body of the victim from a bush near the Almirah go-down of the petitioner, whereas his lungi has been recovered from the said go-down of the petitioner. It is also pointed out that as per the statement made in paragraph 3 of the bail petition, the petitioner is accused in several other criminal cases.

Considering the gravity of the allegation as well as the fact that the lungi of the victim has been recovered from the Almirah go-down of the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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