

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9954 of 2022

Arising Out of PS. Case No.-323 Year-2019 Thana- BASOPATTI District- Madhubani

MANOJ ROY@ MANOJ RAY, Son of Late Jahuri Ray, Resident of Village -
Manmohan , P.s.- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Basopatti P.S. Case No. 323 of 2019 registered
for the alleged offences under Sections 302, 506 and 34 of the
Indian Penal Code and under Section 27 of the Arms Act.

As per prosecution case, the F.I.R. named co-accused
persons shot dead the son of the informant. The name of the
petitioner transpired during investigation as one of the accused
persons also involved in the killing of the son of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this case.

The petitioner is not named in the F.I.R. and his name came up in the confessional statement of co-accused Devnarayan Yadav and later on, the confessional statement of the petitioner was also recorded. But the statements have got no legal value. There is nothing against this petitioner except this confessional statement and no evidence has come up against this petitioner during investigation. Other co-accused persons have been granted bail vide order dated 14.02.2022 passed in Cr. Misc. No. 48344 of 2021, vide order dated 29.03.2022 passed in Cr. Misc. No. 50138 of 2021 by a Coordinate Bench and co-accused Ghanshyam Yadav has been granted bail by this court vide order dated 23.08.2022 passed in Cr. Misc. No. 63688 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 21.09.2020.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up during investigation in the confessional statement of the co-accused.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the fact that the petitioner was not named in the F.I.R. and his name came up in the confessional statement of co-accused and also considering the submission of charge sheet along with period

of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Basopatti P.S. Case No. 323 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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