

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26092 of 2021

Arising Out of PS. Case No.-201 Year-2019 Thana- GANGABRIDGE District- Vaishali

Manoj Rai @ Manoj Kumar, Son Of Pradeep Rai, Resident Of Village-
Saifpur, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate
For the Opposite Party : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-02-2022 Heard learned counsel for the parties through video conferencing.

This application for anticipatory bail arises out of Ganga Bridge P.S. Case No. 201 of 2019 for the offence punishable under Section 302/34 of the Indian Penal Code.

It has been submitted by learned counsel for the petitioner that the petitioner is not said to be the assailant of the deceased as on the date of occurrence he was not present on the spot but he was in Ranchi. In support of which, he has annexed certain documents including the train tickets and hotel bills to this bail application.

Considered the submissions of learned counsel for the petitioner. This is a case registered under Section 302/34 of the Indian Penal Code and the charges under Section 34 of the Indian Penal Code are made out against this petitioner.



Anticipatory bail in a case registered under Section 302/34 of the Indian Penal Code can be granted in exceptional circumstances and not in a routine manner only because the petitioner is not the assailant of the deceased. The documents annexed with the bail application, in support of the fact that the petitioner was not present on the spot and on the date of occurrence, cannot be relied by this Court until and unless during investigation they are tested by the Investigating Officer.

In such view of the matter, this is not a fit case for grant anticipatory bail to the petitioner. Accordingly, this anticipatory bail application is dismissed. The petitioner is directed to surrender in the Court below within a period of four weeks from today.

(Sandeep Kumar, J)

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