

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47570 of 2021

Arising Out of PS. Case No.-347 Year-2020 Thana- TAJPUR District- Samastipur

Manish Sahni @ Manish Kumar @ Speedy Son of Late Lakhindra Sahni
Resident of Village- Mirzapur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 347 of 2020 registered for the offence under
Sections 302 and 201 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 22.02.2021.

The allegation against the petitioner is to commit
murder, where dead body was recovered by ASI of Police
Station Tajpur, who is informant of this case.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced, during the course



of investigation, on the basis of confessional statement of co-accused Vishal Kumar, in furtherance of which no incriminating material recovered/surfaced, which may connect petitioner, *prima facie*, with present set of murder. It is further submitted that the confessional statement of Vishal Kumar, who declared later on juvenile, is self-exculpatory, having no evidentiary value under law. While concluding the argument, it has been submitted that petitioner is in custody since 22.02.2021, where only one witness examined by the Trial Court and, as such, chance of concluding trial is appearing remote and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as except confessional statement, where no incriminating material recovered/surfaced to connect petitioner with present occurrence coupled with the fact that petitioner is in custody since 22.02.2021, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tajpur P.S. Case No. 347 of



2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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