

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42132 of 2022

Arising Out of PS. Case No.-864 Year-2021 Thana- DANAPUR District- Patna

Manish Kumar Son of Kameshwar Singh @ Kameshwar Sharma Resident of
Village - Kab, P.S.- Rani Talab, District - Patna, At present residing at - Lakha
Nagar, Near DAV School, P.S.- Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Singh, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Vivek Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel for the informant.

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

The petitioner seeks bail in connection with Danapur
P.S. Case No. 864 of 2021 registered for the offence under
Sections 302 and 120(B) read with Section 34 of the Indian
Penal Code and Section 27 of the Arms Act read with Section
15(9) of the Arms (Amendment) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.12.2021.

The allegation against the petitioner is to commit
murder of daughter of the informant, alongwith other co-



accused persons, while involving in celebratory firing, while attending marriage party.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire implication is based upon the hearsay input. It is submitted that allegation of firing is not specific against this petitioner rather same is general and omnibus. It is submitted that, petitioner has been implicated in this case only for the reason that, as per video of the occasion, it appears that four persons including this petitioner were involved in firing one by one with a single rifle. It is submitted that nothing surfaced during the course of investigation, which may suggest that present alleged firing was pre-planned and with intention to cause death. It is also submitted that similarly situated co-accused person, namely, Avinash Kumar @ Bhanta has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 22722 of 2022 dated 18.07.2022. It is further submitted that no report of service provider/forensic lab was obtained, as regard to electronic evidence, particularly, under the circumstances, when entire implication is based upon electronic evidence. While concluding the argument, it is submitted that investigation in this case is



complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as allegation of firing is not specific against this petitioner, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Danapur P.S. Case No. 864 of 2021 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 Sessions Judge-VI, Danapur, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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