

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68997 of 2021

Arising Out of PS. Case No.-609 Year-2018 Thana- NAUBATPUR District- Patna

Manoj Kumar S/O Sri Vipin Singh R/o Village- Areraj, P.s.- Hardiyachak,
District- East Champaran (Motihari) and at present- Dujra Pahalwanganhat,
P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 05-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Suraj Narain Yadav, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Naubatpur P.S.Case No. 609 of 2018 for
the offences punishable under Sections 365 and 302 of the
Indian Penal Code.

As per prosecution case, it is alleged that on
20.12.2018, while the informant was in his shop, in the
meantime, his neighbour Sohrai Ram came along with his



two friends and taken away his brother but he did not return till late night on 21.12.2018. The informant started searching his brother and in course of search on 22.12.2018, the dead body of his brother was found lying near the canal.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. However during the course of investigation, co-accused Sohrai Ram was apprehended and he disclosed the name of his associates including the petitioner. He next submits that from the FIR, it appears that the petitioner, deceased and co-accused persons were friends and as such there was no motive of killing the deceased. He next submits that the brother of the informant was taken away by co-accused Sohrai Ram and his two friends on 20.12.2018 at about 4.30 and the dead body has been recovered on 22.12.2018 and from the post mortem report, it appears that death elapsed since death is within 24 hours which suggest that the deceased had died on 21.12.2018. Hence, there is no close proximity of time in taking away the brother of the informant and his death. He further submits that the petitioner having fair antecedent



is in custody since 30.08.2020 and save and except the confessional statement, there is no other material which suggests the complicity of the petitioner.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is one of the persons, who have taken away the deceased and thereafter, the dead body was found missing.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired on confessional statement of co-accused Sohrai Ram and save and except confessional statement, there is no other material coupled with the post mortem report and period of incarceration, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, Patna in connection with Session trial no. 312 of 2021 arising out of Naubatpur P.S.Case No. 609 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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