

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28796 of 2023**

Arising Out of PS. Case No.-155 Year-2021 Thana- CHACKMEHSI District- Samastipur

Manoj Das @MANOJ Kumar Das S/O Baidhnath Das R/O Village- Kudhwa,  
Kalyanpur, P.S- Chakmehsi, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Rajeev Ranjan, Advocate     |
| For the Opposite Party/s | : | Mr.Arun Kumar Singh, APP       |
| For the Informant        | : | Ms.Anu Priyadarshini, Advocate |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      04-08-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Chakmehsi P.S. Case No.155 of 2021 registered for the offence under Sections 201, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 22.11.2021.

4. The allegation against the petitioner is to commit murder of the brother of informant alongwith other named co-accused persons, where occurrence arises out of money transaction disputes for the sum of Rs. 50,000/-.

5. Learned counsel appearing on behalf of the



petitioner submitted that dispute is regarding money transaction, which was with co-accused Rahul Kumar, who has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 9026 of 2022 vide order dated 26.07.2022. It is submitted that as per F.I.R. maximum allegation what appears against this petitioner is that he was found last seen with the brother of informant alongwith other named co-accused persons. It is also submitted that the conversations with co-accused person with each other and with the deceased being co-villager, is a normal phenomenon and on the basis of said C.D.Rs (Call Detail Records), it cannot said that petitioner was involved in the murder of the brother of informant. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that as per confession of co-accused Rahul Kumar, it was petitioner who caused fatal firearm injury causing death of the brother of informant. It is also pointed out that



mobile tower location of petitioner and other co-accused were found nearby to place of occurrence.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arising out of last seen, confessional statement and mobile location nothing appears incriminating against this petitioner as to connect him with the murder of the brother of informant, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.11.2021, accordingly, petitioner, above named, is directed to be released on bail in connection with Chakmehsi P.S. Case No.155 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, Tenth, Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed



by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

