

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35716 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

=====

Manoj Kumar Sah @ Manoj Sah Son of Late Munshi Sah Resident of village
- Basha Sahu Tola, P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 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 K.Nagar
P.S. Case No. 120 of 2023 registered for the offence under
Sections 324, 341, 326, 307, 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2023.

The allegation against the petitioner is to commit
murder of son of informant by causing knife injury, where
occurrence arises out of illicit relation of deceased with wife of
petitioner.



Learned counsel appearing on behalf of the petitioner submitted that it is clear from the narration of F.I.R. that informant is not the eye witness of the occurrence and entire implication is on the basis of suspicion and hearsay input. It is submitted that maximum incriminating circumstances appears as per investigation that deceased talk over phone with wife of petitioner on the date of occurrence for about 2173 seconds. It is submitted that with this evidence petitioner cannot connect with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where implication, *prima facie*, based upon suspicion of illicit relation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with K.Nagar P.S. Case No. 120 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Purnea/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

