

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50308 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- PURAINI District- Madhepura

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MANISH KUMAR SON OF SAJJAN LAL YADAV R/O-DUMRAIL
(PURAINI), P.S.-PURAINI, DISTT.-MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 21.02.2023 seeks bail, in connection with S. Tr. No.222/2023, arising out of Puraini P.S. Case No.40/2023, dated 19.02.2023, for the offences punishable under Sections 302/34 of the IPC.
3. According to prosecution case, the daughter of the informant was murdered by unknown persons and her dead body was found in the field of Parmanand Yadav. The informant has strong suspicion that her daughter was killed by the petitioner and other co-accused persons.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and merely on the basis of suspicion, the petitioner has been implicated in the present occurrence. He further submits that from bare persual of the F.I.R., it appears that the alleged date of occurrence is 17.02.2023 but the present F.I.R. has been instituted on 19.02.2023 after completion of all the formalities conducted by the prosecution as well as inquest report as well as postmortem report. The postmortem was conducted on 17.02.2023 i.e. on the same date of occurrence and thereafter the present F.I.R. was instituted after thought only to falsely implicate the petitioner in the present occurrence. He further submits that thereafter the confessional statement of the petitioner was recorded in para-19 of the case diary in which the petitioner has confessed his guilt in the present occurrence and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and co-accused persons, namely, Rajesh Thakur and Harish Kumar, whose name has come on the basis of confessional statement of the petitioner have been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 and 28.07.2023 passed in Cr. Misc. No.47891/2023



& Cr. Misc. No. 46666/2023 respectively and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that number of ante-mortem injuries found on the person of the deceased and the statement of the petitioner supported by the medical evidence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, Madhepura in connection with S. Tr. No.222/2023, arising out of Puraini P.S. Case No.40/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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