

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50497 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- CHHABILAPUR District- Nalanda

Manish Kumar S/O Sakal Ram, Resident of village-Mahmuda, P.S.-
Khudaganj, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard Mr Krishna Prasad Singh, learned Senior
Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with
Chhabilapur P.S. Case No.55 of 2022 registered for the offence
punishable under Sections 302, 34 of the Indian Penal Code.

The petitioner and one Monu Kumar are stated to be
employees in the Sweet Shop of the informant and it is alleged
that they have sought permission to take his son for *Chhath*
Puja. Next morning, petitioner has intimated the informant that
his son has drowned in the pond, whereafter the informant has
come, taken out the dead body, which was floating in the water,
got post-mortem done and thereafter lodged the instant case.

Learned Senior Counsel submits that the probability



of the allegation, in view of the narration of events itself is highly doubtful, as it defies logic that the persons who took the victim with due permission for *Chhath* Puja, would thereafter commit his murder. In the investigation, no material whatsoever has emerged to sustain the allegation, based on suspicion, levelled by the informant. In fact, the police submitted final form considering it as a case of drowning. The petitioner is in custody since 09.06.2022. He has one antecedent in Chhabilapur P.S. Case No.59 of 2019 for bailable offences in which he is on bail.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner is named accused. Informant has also supplied some motive that earlier the accused persons had demanded Rs.50,000/- advance salary.

Considering the rival submissions, nature of allegations, the fact of submission of supervision report considering the case as one being of drowning and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 learned
A.C.J.M.-V, Nalanda at Biharsharif, in connection with
Chhabilapur P.S. Case No.55 of 2022, subject to the following
conditions:

(i) That one of the bailors will be a
close relative of the petitioner who will
give an affidavit giving genealogy as to
how he is related with the petitioner. The
bailor will also undertake to inform the
court if there is any change in the
address of the petitioner.

(ii) That the petitioner will be well
represented on each date and if he fails
to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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