

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54337 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- BHAGWANPUR District- Vaishali

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MANISH KUMAR Son of Yadunandan Sahni R/V- Kiratpur Rajaram PS-
Bhagwanpur, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case No.231 of 2021 instituted under
Sections 302,201/34 of the IPC.

As per the prosecution story, the informant alleged
that this petitioner along with other persons took away deceased
from his house and after committing murder, buried the dead
body into the water. Further, one Yadunandan Sahni was
apprehended and on his confession the dead body was
recovered. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
name of the petitioner came in the confessional statement of



Yadunandan Sahni and as such in view of the fact that he do not have criminal antecedent and had no role to play in the matter and similar placed co-accused have been granted the privilege of bail he also expects the same. However, he has failed to annex the same.

Mr. Md. Aslam Ansari, learned APP on the other hand submits that on the basis of the confessional statement, the body was recovered and in that backdrop, the further statement made by him cannot be ignored and as such he has opposes the prayer for anticipatory bail.

Taking into account the kind of allegation that Hasibur Rahman, Md. Azam, Manish Kumar and Yadunandan Sahni had taken way the deceased from his house and subsequently, on the confessional statement of Yadunandan Sahni the dead body was recovered and further the named accused including the petitioner were the last persons with whom the deceased was seen and subsequently one of them, Yadunandan Sahni upon being apprehended, confessed the guilt and on his statement, the dead body was recovered, this is certainly not a fit case for grant of anticipatory bail which is accordingly rejected.

If the petitioner surrenders within four weeks from



today before the court concerned and files bail petition annexing the bail orders of other similarly placed accused persons, the same shall be considered and the concerned court shall pass an appropriate order without being prejudiced by observation made herein.

(Rajiv Roy, J)

Prakash Narayan/
Ajay Singh

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