

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58367 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- LODIPUR District- Bhagalpur

Manish Kumar Singh S/O- Late Ramdev Singh R/O- Village- Satarpur, P.S.-
Parbatta, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lodipur P.S. Case No. 79 of 2023 registered on 13.04.2023 for the alleged offences under Section 302 of the I.P.C. and Section 27 of Arms Act.

3. As per prosecution case, the son of the informant was murdered by unknown miscreants. The name of the petitioner transpired during investigation for being involved in the murder of the son of the informant.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the F.I.R.. The F.I.R. also shows the deceased was the employee of the petitioner for seven years.



Before the occurrence, the deceased had not made any complaint against the petitioner. The petitioner had no enmity with the deceased and the deceased was working as an employee of the petitioner at his *Dharmkanta* (weighing machine). So far as, the recovery of laptop is concerned, the petitioner kept it in his house after the death of the son of the informant since he was his employee. Recovery of bag of the deceased is easily explainable as the deceased used to keep his bag at his work place. The story about the petitioner and the deceased being involved in the work of *havala* is not true. Learned counsel further submits that there was no dispute between the deceased and the petitioner at any point of time and even the informant has not disclosed anything in this regard. Learned counsel further submits that the story that the petitioner hired the miscreants to commit the murder of the deceased is false, concocted and far from truth. During the course of investigation, the police arrested a miscreant, who disclosed the name of the petitioner in his confessional statement. Thus, the name of the petitioner surfaced in this case. There is no eye witness of the occurrence. No material has been collected by the police during investigation to connect the petitioner with the offence as alleged. Petitioner is in custody since 03.07.2023 and



is having clean antecedent. The charge-sheet has been submitted in this case.

5. Learned APP as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that witnesses in paragraph nos. 26 and 27 have supported the prosecution case. The witnesses have also stated about the petitioner and the deceased being involved in *havala* transaction and the dispute arising over sharing of money. Learned counsel pointed out the statement of witnesses specially recorded in paragraph nos. 26 & 27 about the dispute arising between the petitioner and the deceased. Learned counsel further pointed out that the laptop of the deceased was recovered from the house of petitioner and a mud coated bag was recovered from work place of the deceased and the petitioner.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the material against the petitioner appears to be only circumstantial and further considering the period of custody of the petitioner and submission of charge-sheet along with his clean antecedent, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur in connection with Lodipur P.S. Case No. 79 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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