

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71487 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

MANISH KUMAR @ MANISH SINGH @ MANISH KUMAR SINGH Son
of Late Ramadhar Singh Resident of Village - Balibhadar Patti, Dharman
Tola, P.S.- Uchkagaon, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
parties.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kuchaikot P.S. Case No. 522 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 09.02.2022.

The allegation against the petitioner is to commit
murder of brother of informant, along with other unnamed co-
accused persons, caused by firearms injury.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused persons, namely, Akshay Yadav and Raghaw Gupta, while apprehended in Kuchaikot P.S. Case No. 46 of 2022, where, they were apprehended with firearms. It is submitted that in furtherance of confessional statement of said both co-accused persons, no incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of murder. It is also pointed out that said both co-accused persons, namely, Akshay Yadav and Raghaw Gupta, have already been granted bail, through Cr. Misc. No. 48981 of 2022 dated 20.12.2022 and Cr. Misc. No. 49526 of 2022 dated 17.01.2023, respectively, by learned co-ordinate Bench of this Court. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where, he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner was actively participated in the occurrence of murder but fairly conceded the fact that petitioner



is not named in FIR.

Considering the facts and circumstances as mentioned above, as save and except confession, nothing incriminating surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kuchaikot P.S. Case No. 522 of 2021, 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, Gopalganj concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

