

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16502 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- PHULWARISHARIF District- Patna

Lav Kush Kumar Son of Late Chhatri Manjhi @ Sarvesh Manjhi R/o Village-
Kurkuri, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Phulwarisharif
P.S. Case No. 312 of 2023, registered under Section 365 of the
Indian Penal Code and Sections 302, 201, 120(B) of the Indian
Penal Code were added subsequently.

3. The prosecution case, in short, is that, petitioner
along with other co-accused persons are alleged to have
abducted the son of the informant and it is suspected that he
might have been killed.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating article has been recovered from



the conscious possession of the petitioner. It is submitted that the petitioner is not named in the F.I.R. Name of the petitioner has transpired on the basis of confessional statement of co-accused Rekha Devi. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by co-ordinate benches of this Court vide order dated 27.09.2023 passed in Cr. Misc. No. 57237 of 2023, order dated 02.04.2024 passed in Cr. Misc. No. 19303 of 2024 and has granted regular bail by this Court vide order dated 07.03.2024 passed in Cr. Misc. No. 57237 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State further submits that allegation levelled by the co-accused Rekha Devi against the petitioner is that the petitioner is *devar* of the co-accused and he caught hold the deceased Suraj Kumar along with others and pressed the mouth and neck with the help of dupatta and iron rod and killed him.

6. Considering the aforesaid facts and circumstances and the specific allegation of killing the deceased is against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.



7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below within a period of four weeks and pray for regular bail. If such an application is filed, the same shall be disposed by the Court below without being prejudiced by this order, preferably on the same day.

(Rudra Prakash Mishra, J)

Rajorshi/-

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