

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38610 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

Manish Kumar @ Shoshan S/o Anil Singh R/o vill - Shiv Kund, P.S. -
Dharhara, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of anticipatory bail in connection with Piri Bazar P.S. Case No.123 of 2022, registered for the offence punishable u/s 363/34, 364, 302, 201/120(B) of the IPC.

3. Earlier the bail of the petitioner was rejected by this Court vide order dated 28.02.2023 in Cr. Misc. No. 69502 of 2022 which reads as follows:-

*Heard learned counsel for the petitioner and
learned A.P.P. for the State.*

*The petitioner apprehends his arrest in a
case registered for the offences punishable
under Sections 363/34, 364, 302, 201/120(B)
of the Indian Penal Code.*



Allegedly, petitioner along with other accused persons killed the informant's son by injecting overdose of ketamine and by pressing his neck.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case after conspiracy due to land dispute. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Nothing incriminating has been recovered from the possession of the petitioner. He was not arrested from the place of occurrence. The petitioner is not named in the FIR. The whole prosecution story is false and fabricated. His name has been transpired in this case on the basis of the confessional statement of the apprehended co-accused. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that the petitioner was also involved in the murder of Virat Aryan @ Sonu in conspiracy with other accused persons on the pretext to call the deceased Virat Aryan @ Sonu in the



birthday party and killed him.
Considering the facts and circumstances of case and the confessional statement of the apprehended co-accused, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

4. In this case, learned counsel for the petitioner submits that the co-accused Suraj Kumar has been granted regular bail, but in view of the recent decision of the Hon’ble Supreme Court in the case of ***G.R. Ananda Babu vs. State of Tamilnadu and Another*** reported in ***2021 SCC OnLine SC 176***, this second anticipatory bail application is not maintainable. It is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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