

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34061 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- PARSA District- Saran

MANOJ SAHANI @ PETULAL @ MANOJ SAHNI SON OF KIRA
SAHANI RESIDENT OF VILLAGE - SALEMPUR, P.S. - LALGANJ,
DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Advocate

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

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

ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Parsa
P.S. case No. 412 of 2023 instituted for the offences under
Sections 302/201 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date
and time, the brother of the informant left his house with this
petitioner but did not return home. When the informant searched
his brother, his dead body was found near bushes and this
petitioner was seen running from that place. Informant suspects
that this petitioner has committed the murder of his brother by
strangling him.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is no eye-witness to the occurrence. Learned counsel further submitted that police after investigation submitted final form against the petitioner, however, learned trial Court differing with the same took cognizance under Sections 302/201 of the Indian Penal Code. Learned counsel further submitted that petitioner has not committed the murder of the deceased and in support of his contention, learned counsel further referred the post-mortem report (at Annexure-2 to the present bail application) in which doctor has opined that the death of the deceased has been caused due to heart and lung disease. Learned counsel, therefore, contended that deceased died a natural death and except suspicion, there is no material against the petitioner to establish his involvement in the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parsa P.S. case No. 412 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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