

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36070 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Sunita Devi W/O Ramparpesh Sah R/O Village- Danapur, P.S.- Manjhagargh, Dist- Gopalganj
2. Amit Kumar S/O Naresh Sah R/O Village- Danapur, P.S.- Manjhagargh, Dist- Gopalganj.(HANDICAP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39339 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- MANJHAGARH District- Gopalganj

Neha Kumar @ Neha Kumai @ Neha Devi W/o Subhas Sah R/O Vill.- Budhsi, P.S.- Sidhwaliya, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36070 of 2024)

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 39339 of 2024)

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State in both the cases.

2. The petitioners of both the cases (Cr. Misc.
No.36070 of 2024 and Cr. Misc. No.39339 of 2024) seeks
regular bail in connection with Manjhagarh P.S. Case No. 453 of



2023 dated 17.12.2023, lodged under Sections 364, 302, 201, 120(B) of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against 7 named and 6-7 unknown accused persons. The allegation has been made in the FIR is that the deceased was a priest of temple and he went from the temple on 10.12.2023, but his dead body was recovered on 16.12.2023. The cause of dispute has been shown that the local villagers have provided 3 kattha land as donation to the temple, but the locality of muslim community in jealous who want to grab the said land has committed this offence.

4. Learned counsel for the petitioners of first case i.e. Cr. Misc. No.36070 of 2024 submits that the petitioners are innocent and have committed no offence. Counsel also submits that the petitioners are not named in the FIR. Counsel further submits that the criminal antecedent of the petitioners are clean and they are in custody since 18.12.2023.

5. Learned counsel for the petitioner of second case i.e. Cr. Misc. No.39339 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is not named in the FIR. Counsel further submits that the criminal antecedent of the petitioner is clean and she is



in custody since 18.12.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioners of both the cases and submits that it is true that the criminal antecedent of the petitioners of both the cases are clean and it is also true that all the three petitioners in both the cases are not named in the FIR. Counsel further submits that *vide* order dated 15.05.2024, case diary and post-mortem report have been called for. He submits that from the perusal of paragraph nos. 13, 14, 17 and 39 of the case diary, the name of the petitioners have been figured in commission of the crime by virtue of the confessional statement of the petitioner of second case duly supported by corroborative evidence and recovery. Counsel submits that the petitioner of second case has relation with the deceased and on her instance, the said offence has been committed in connivance with each other including the petitioners of first case. Counsel further submits that mobile of the deceased has been recovered from the room of the petitioner of second case and arms have been recovered on her disclosure in which she has narrated the entire *modus operandi* that how crime has been committed in which petitioners are involved.

7. In response thereof, counsel for the petitioners submits that the petitioner no.2 of first case is a handicapped



person and has a disability of about 65%, therefore, a sympathetic view may be taken towards him.

8. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioners of both the cases.

9. Accordingly, the prayer for regular bail of the petitioners of both the cases i.e. Cr. Misc. No.36070 of 2024 and Cr. Misc. No.39339 of 2024 in connection with Manjhagarh P.S. Case No. 453 of 2023, pending before the learned C.J.M., Gopalganj are **hereby rejected**.

10. Considering the disability of petitioner no.2 of first case i.e. Cr. Misc. No.36070 of 2024, it is directed that he shall be at liberty to pray for regular bail before the Trial Court after framing of charge and the Trial Court shall release him on bail imposing conditions so that he may not evade during the trial.

(Dr. Anshuman, J)

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