

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39378 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- FALKA District- Katihar

Manohar Yadav Son of Mr. Vakil Yadav Resident of Village- Lila, P.S-
Bhawanipur, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Amit Kumar Anand, Adv.
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Manish Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Falka
P.S. Case No. 04 of 2024 instituted for the offences under
Sections 307, 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per prosecution case, the husband of the
Informant and his shop's staff were shot dead by the
unknown miscreants. Both were sent to Falka PHC but, the
doctor declared Kanchan Mandal dead whereas Mithu Kumar
was referred to Purnea Max-7 Hospital for better treatment
where he died in course of treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that neither the petitioner is named in the F.I.R. nor any witness has seen the petitioner committing the alleged crime and only on the basis of conjecture and surmises, the petitioner has been implicated in the present case. He further submits that the police took out the CDR as well as tower location of the suspected persons including the petitioner but, the location of the mobile number (7367059499) of the petitioner on 01.01.2024 and 02.01.2024 was found at Mali Tola, Lila, Bhawanipur, Purnea. Thus, the petitioner does not have any hand in the alleged occurrence and has been falsely implicated in the present case. During entire investigation, no cogent legal material has been collected to connect the petitioner with the alleged occurrence. He further submits that the authenticity of the CCTV footage has not been examined in any Forensic Lab. The petitioner has no criminal antecedent and is languishing in judicial custody since



25.01.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Anil Kumar Mandal has been granted bail by this Court vide order dated 26.07.2024 passed in Cr. Misc. No. 39508 of 2024.

6. On the other hand, learned A.P.P. for the State and counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State submits that this is a double murder case. He submits that there is a direct allegation against the petitioner of shoot by fire arms at the Informant's shop staff Mithu Kumar which was seen in CCTV footage produced by the Informant. The postmortem report of the deceased Mithu Kumar supports the prosecution case. The petitioner, in the confessional statement, has also admitted his guilt in the alleged occurrence. The allegation alleged against the petitioner is serious in nature and, thus, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence



as also there being direct allegation against the petitioner of gun-shot firing, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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