

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47649 of 2024

Arising Out of PS. Case No.-551 Year-2023 Thana- ROSERA District- Samastipur

Manish Kumar @ Anish Kumar S/o Upendra Mato R/o vill - Bashi, P.S. -
Cheriyaariyarpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sabal Kumar Jha, Adv.
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr. Piyush Kumar Pandey, Adv.

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

ORAL ORDER

4 28-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rosera
P.S. Case No. 551 of 2023 instituted for the offences under
Sections 394, 302 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of shooting and killing the Informant's two brothers
viz. Sumit Kumar Chaudhary and Ajit Kumar Chaudhary as also
looting money etc. along with his other associate gangs.

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 submits that there is delay of three days in lodging the First Information Report without any plausible explanation for such delay which creates doubts in the prosecution case. The F.I.R. has been registered against unknown and, hence, the petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case in course of investigation on the basis of disclosures made by the spy. The police apprehended the petitioner in another case bearing Bibhutipur P.S. Case No. 407 of 2023 and took the confessional statement of the petitioner. The petitioner has been remanded in this case on 09.11.2023. No T.I.P. has been held in this case to connect the petitioner in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether nine criminal antecedents and is languishing in judicial custody since 09.11.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific and direct allegation of shooting and killing the two brothers of the Informant. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.



6. Learned counsel for the Informant further submits that all the witnesses in this case have been examined and only the Investigating Officer and the Doctor have remained to be examined and, thus, the trial is at an advance stage.

7. This is a double murder case. This Court finds that there is a direct allegation against the petitioner of killing the two brothers of the Informant. As per Information, the trial is also at the advance stage as only the Investigating Officer and the Doctor have remained to be examined. The petitioner has also admitted his guilt in his confessional statement and has nine criminal antecedents.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

