

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72419 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- MAHUA District- Vaishali

MANISH KUMAR @ GOLU @ GOLU KUMAR SINGH S/O RAKESH
KUMAR SINGH R/O VILLAGE- GOVINDPUR- SINGHARA, P.S-
MAHUA, DISTT.- VAISHALI, PIN- 844126.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No.401 of 2022 registered for the offences punishable
under Sections 302 and 201/34 of the IPC.

3. As per prosecution case, informant's daughter
reached her *sasural* and informed on mobile that her life is in danger
and after some time her mobile went on switch off mode. On the said
information, informant went to her daughter's *sasural* where she
found that the house was closed. Thereafter, she went to police
station where she came to know that dead body of unknown lady has
been found which had been sent to postmortem house, Sadar hospital
and informant identified the dead body of her deceased daughter. It
is further alleged by informant that informant's son-in-law Nagendra



Singh, petitioner and others alongwith 3-4 unknown miscreants have committed the murder of her daughter Shabnam Devi.

4. Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2023 and bears criminal antecedent of two cases and orally submits that petitioner is on bail in the aforesaid cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is a co-villager and he is not in any way connected with the deceased family. There is no eye witness to the alleged occurrence. Only on the basis of suspicion, petitioner's name has falsely been roped in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel further submits that informant has been examined as P.W. 4 during the course of trial and she has clearly stated that petitioner is not in any way connected with the alleged occurrence and other witnesses i.e. P.W. 1 and P.W. 2 have also not supported the case of prosecution. In this way, petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Vaishali at Hajipur in connection with Mahua P.S. Case No.401 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

vashudha/-

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