

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68827 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

Manish Kumar @ Manish Singh @ Raja Singh Son Of Ram Singh @ Ram Prasad Singh R/O Nirpur, Ward No. 4, P.S- Samastipur (Muffasil), Dist- Samastipur, Bihar-848129

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Desari P.S. Case No. 283 of 2021 dated 06.08.2021 registered for the offence(s) punishable under Section(s) 302/34 of the Indian Penal Code and section 27 of Arms Act.

3. Mr. Piyush Kumar Pandey, learned counsel appearing for the petitioner submits that against this petitioner there is no evidence to connect him to the commission of murder and the police mainly relied on the confessional statement which is said to have been recorded by the petitioner in the police custody but the same is not admissible, though against the petitioner there are criminal antecedents of 25 cases



but he has got bail in most of said cases and two co-accused persons carrying similar nature of allegations have been granted bail by this court vide orders dated 26.07.2023 and 01.12.2023 passed in Cr. Misc. No. 30727 of 2023 and Cr. Misc. 71552 of 2023. It is further submitted that the petitioner is not named in the FIR and he has been languishing in jail since 21.10.2021 and the police failed to produce the witnesses who claimed to have seen the commission of the alleged occurrence for test identification parade which is a failure on the part of the prosecution.

4. Mr. Raj Kishor Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner and submitted that against this petitioner there are several criminal antecedents and the instant matter relates to a serious offence.

5. Heard both the sides, perused the FIR and case diary of this case. The instant matter relates to murder committed by using fire-arms and as per statements of some witnesses mentioned in the case diary, the assailants were seen by them and the witnesses did not turn up to participate in the test identification parade in respect of this petitioner and other co-accused on account of the fear due to criminal history of the accused. Considering this aspect as well as a long criminal



history of the petitioner, this court is not inclined to release him on bail. Accordingly, the petitioner’s bail prayer stands rejected.

6. Petitioner may renew his bail prayer after framing of charge, if the same has not been framed.

(Shailendra Singh, J)

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