

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74086 of 2023

Arising Out of PS. Case No.-752 Year-2020 Thana- MUFFASIL District- West Champaran

Manoj Sharma @ Saurabh S/O Chhavilal Sharma R/O Village- Sikhaul Mani
Ram, P.S- Chiluatol, Distt.- Gorakhpur(U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramendra Kumar Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 05-07-2024 Heard Mr. Ramendra Kumar Bharti, learned counsel
for the petitioner and Mr. Arun Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.03.2021 in connection with Sessions Trial No. 455 of 2021
arising out of Bettiah Muffasil (Manuapul) P.S. Case No. 752 of
2020, F.I.R. dated 02.12.2020 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, three unknown
persons have shot dead the son of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.03.2021.

5. Vide order dated 10.05.2024 a report was called with regard to the stage of trial. Report of the learned Trial Court dated 17.05.2024 reveals that out of 8 chargesheet witnesses, 5 witnesses have already been examined and the case is pending for the examination of rest of the witnesses.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that number of witnesses have supported the case of the prosecution and CDR location of the petitioner also suggests that the petitioner was present at the place of occurrence. Apart from that the petitioner carries 12 criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, I am not inclined to



enlarge the petitioner on bail in connection with Sessions Trial
No. 455 of 2021 arising out of Bettiah Muffasil (Manuapul) P.S.
Case No. 752 of 2020 pending in the court of learned Additional
Sessions Judge IX, West Champaran, Bettiah.

8. Prayer is refused.

9. However, learned Trial Court is directed to expedite
and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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