

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69140 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- MANER District- Patna

Munna Singh @ Munna Kumar S/O Santosh Singh @ Kunal R/O Village-Sattar, P.S- Maner, Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhilesh Dutta Verma, Advocate
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2024 Heard Mr. Akhilesh Dutta Verma, learned counsel for the Petitioner, Mr. Sanjay Kumar Singh, learned counsel for the Informant and Mr. Akshay Lal Pandit, learned APP for the State.

2. Petitioner seeks regular bail in connection with Maner P.S. Case No. 233 of 2024 dated 08.04.2024 registered for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code (in short 'IPC') and Section 27 of the Arms Act and later on Section 120 B of IPC and Section 25(1B)a of the Arms Act were added.

3. The main submissions advanced by learned counsel for the petitioner are that the allegation levelled against the petitioner in the FIR are totally false, as per the allegation, the petitioner and co-accused persons firstly caught hold of the



victim and thereafter snatching money from the possession of the informant's son and then the informant claimed that he also reached at the place of occurrence upon hearing the cry of his son and thereafter, allegedly this petitioner and co-accused Deepak Kumar fired at the deceased resulting in death of the deceased on the spot but during the course of investigation, it came into light that the dead body of the deceased was found in a tempo and in this regard, inquest report of the deceased mentioned in paragraph '3' of the case diary is relevant and further, the statement of one witness namely, Tutu Kumar who is said to be the driver of the alleged tempo is also relevant who also said in his statement that he found the dead body of the deceased in his tempo and as per the FSL examination report, some suspected blood stains were found in the said tempo, these facts are completely against the place of occurrence which has been shown in the FIR by the informant. It is further submitted that in this matter, except the informant, no one has claimed to have seen the occurrence while as per the informant, upon hearing the sound of the firing, several co-villagers gathered and then the accused including the petitioner fled away after throwing the pistol but none of the said villagers came up in support of the said prosecution story and further as per the



paragraph '10' of the case diary, the alleged firearm (pistol) was recovered from the alleged tempo and not from the place of occurrence which has been shown by the informant. It is further submitted that as per the allegation, petitioner and co-accused, Deepak Kumar, fired at the deceased but on the body of the deceased only one entry wound was found which also falsifies the allegations of firing by two persons, in fact, there was some money transaction dispute in between the petitioner and the deceased due to which the petitioner was falsely implicated in the alleged offence of murder and the C.C.T.V. footage of the cameras installed nearby the place of occurrence, were also scanned by the Investigating Officer but no any activity of the petitioner during the relevant time was found by the I.O. It is further submitted that the I.O. also investigated the mobile communication between the co-accused persons, whose activities were detected in the C.C.T.V. camera at the relevant place of the occurrence and the petitioner but no communication in between them was found. It is further submitted that the petitioner has been languishing in jail since 10.04.2024 having fair and clean antecedent and against him, the investigation has been completed.

4. On the other hand, learned counsel appearing for



the informant has vehemently opposed the bail prayer of the petitioner and submitted that the informant is an eye-witness and he has fully supported the allegations levelled against this petitioner and there is specific allegation of firing against this petitioner and two days before the occurrence, an altercation took place in between the petitioner and the deceased on account of some money transaction dispute.

5. Considering the facts and circumstances of this case as well as above submissions particularly the petitioner's defence as discussed above and mainly the contradiction pointed out by the petitioner's counsel with regard to the alleged place of occurrence coupled with the completion of investigation against this petitioner and his fair and clean antecedent, this Court is inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Maner P.S. Case No. 233 of 2024.

(Shailendra Singh, J)

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