

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70409 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- DHANAHA District- West Champaran

Manish Sharma @ Manish S/O Shambhu Sharma @ Shambhu R/O Village-
Khalaritola, P.S- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

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

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

ORAL ORDER

3 02-12-2024 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Dhanaha P.S. Case No. 149 of 2024 instituted for the
offences under Sections 103(1), 3(5) of the Bhartiya Nyaya
Sanhita.

3. As per prosecution case, the accusation against
the petitioner is of killing the Informant's son in association
with other co-accused persons.

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 merely on the basis of suspicion as also due to previous enmity with the deceased. Learned counsel for the petitioner submits that the *fardbeyan* was recorded near the door of Prahlad Kushwaha but, it is not mentioned either in the F.I.R. or during investigation as to how and on whose information, the S.H.O. of Dhanaha police station, who recorded the Informant's *fardbeyan*, reached at the place of occurrence and, thus, it appears that the actual F.I.R. has been suppressed in this case and, thus, the *fardbeyan* of the Informant is hit by Section 162 of the Cr.P.C. He further submits that the Informant is not the eye-witness to the alleged occurrence nor anybody has claimed to have seen the occurrence and, thus, there is no eye-witness to the alleged occurrence. Learned counsel for the petitioner further submits that the police to give different colour to the occurrence apprehended the petitioner and got his confessional statement recorded showing involvement of the petitioner in the occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the



alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 10.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is serious allegation against him of being involved in commission of murder of the deceased. He further submits that there is a statement of the witness contained in Para-4 of the case diary, it appears that there was a love affair between the deceased and the sister of Manish Sharma and may be that being annoyed with illicit relation of deceased and his sister, Manish Sharma killed the deceased. The petitioner in his confessional statement has also confessed his guilt which is contained in Para-13 of the case diary. The postmortem report also supports the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 103(1)/3(5) of the B.N.S. The offence alleged is serious in



nature and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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