

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72153 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- VAISHALI District- Vaishali

Manish Kumar Son Of Harivansh Singh @ Harivansh Patel Resident Of
Village- Madarna, Ps And Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Kumar Maharaj, Adv.

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

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

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with S. Tr.
No. 747 of 2022 arising out of Vaishali P.S. Case No. 70 of
2022 instituted for the offences under Sections 302/34 of the
I.P.C. and under impugned order u/s 302, 120B/34 of the I.P.C.

3. As per allegation, one Manish Kumar called
Ramadhar Singh, *Nandosi* of the Informant, for exorcism. At his
request, Ramadhar Singh (deceased) went with him. On the next
day, his dead-body was found near a well.

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.



Both the parties are *Patidar* and neighbour. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no eye-witness in this case and there is no direct and specific allegation of any overt act against the petitioner. Charge-sheet has been submitted in this case. The case has been committed to the court of session and the charge has also been framed. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.05.2022.

5. Learned counsel for the petitioner again submits that the co-accused (brother and father of the petitioner) have been granted bail by a Co-ordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 74647 of 2022.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the Informant in his re-statement at Para-9 of the case diary and the witnesses at para 10, 11 and 12 of the case diary have supported the prosecution case.

7. Pursuant to the order of this Court, the court below has sent a report regarding stage of trial stating therein that out of total fifteen witnesses, three witnesses have been examined



and the expected time within which trial will be concluded is one year, if both the parties co-operate.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report of the court below coupled with the accusation made against the petitioner is serious in nature, this Court is not inclined to grant bail to the petitioner for the present.

9. 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 preferably within a period of nine months from today.

10. If the trial is not concluded within the aforesaid period of nine months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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