

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9301 of 2024

Arising Out of PS. Case No.-228 Year-2022 Thana- MANJHAGARH District- Gopalganj

Shahil Sah @ Shahil Kumar, S/o Shyamvali Sah, R/o Village- Koini, P.S.-
Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Manjhagarh P.S. Case
No. 228 of 2022, instituted for the offences punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on
21.07.2022 at about 11:00 AM, the petitioner along with other
co-accused persons came at the house of informant and went
somewhere with the husband of the informant. Thereafter, till
the night, when her husband did not return, she searched her
husband but not traced out.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. There is no



specific overt-act against the petitioner. No one is eye witness of the alleged occurrence rather the petitioner has made an accused on the basis of suspicion. The name of the petitioner appeared from the confessional statement of co-accused namely Kalicharan Yadav. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no any criminal antecedent as has been stated in paragraph no. 3 of the present bail application. The petitioner is languishing in judicial custody since 28.07.2023. Charge-sheet has already been submitted in the present case. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 68881 of 2022 and order dated 05.10.2023 passed in Cr. Misc. No. 62342 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Manjhagarh P.S. Case No. 228 of 2022.

(Rudra Prakash Mishra, J)

Rajorshi/-

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