

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1844 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- ISUAPUR District- Saran

Kamlesh Manjhi @ Kamlesh Kumar Son of Late Vikrama Manjhi Resident of
Village- Kerwa, P.S.- Ishuapur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Amresh Kumar, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, Adv.
For the Informant	:	Mrs. Shweta, Adv. Mr. Pranjal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025 Heard the parties.

2. At the outset Mr. NK Agarwal learned senior counsel appearing for the petitioner seeks permission to correct para 4 of the present petition during the course of the day regarding custody period which is 17.09.2024 and was wrongly typed as 17.04.2024.

3. Request allowed.

4. The petitioner seeks bail in connection with Ishuapur P.S. Case No. 217 of 2024 registered for the offence under Sections 103(1), 3(5) of BNS.

5. The petitioner is named in the F.I.R. and is in custody since 17.09.2024.



6. The allegation against the petitioner is to commit murder of the father of the informant along with other named co-accused persons by using sharp edge weapon.

7. Mr. NK Agarwal learned senior counsel appearing on behalf of the petitioner submitted that FIR safely suggest on its face that informant is not the eye witness of the occurrence and mere on the basis of suspicion as some previous enmities was there out of fishing issue, the petitioner was named with the occurrence along with other co-accused persons. It is submitted by learned senior counsel that during the course of investigations the name of one co-accused Jaishankar Prasad surfaced who was not initially named with FIR, who upon arrest named this petitioner as co-accused. It is submitted that even the statement of witnesses as recorded under para 32 and 33 of the case diary be taken into consideration, it no where *prima-facie* suggest that they are the eye witness of the occurrence and they found this petitioner running away from the place of occurrence along with other co-accused persons. It is submitted that the murder weapon also not recovered from the house of this



petitioner rather same was recovered from the house of co-accused Salik Prasad in furtherance of the confessional statement of co-accused Jaishankar Prasad and, moreover, during the course of investigations witnesses also found co-accused Salik Prasad carrying weapon of murder i.e., *dabia*. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

8. Learned APP duly assisted by Mrs. Sweta learned counsel for the informant while opposing the prayer of bail submitted that this petitioner had active involvement in present occurrence along with other co-accused persons as it transpires from the confessional statement of co-accused Jaishankar Prasad on the basis of which the weapon of murder was recovered from the house of co-accused Salik Prasad.

9. In view of aforesaid factual and legal submission and by taking note of fact that the informant is not an eye witness of the occurrence, where the witnesses examined



during investigations, who recorded their statement under section 161 of the Cr.P.C. in para 32 and 33 of the case diary also *prima-facie* not appears the eye witness of the real occurrence and found this petitioner running along with other co-accused person and also the murder weapon not appears to be recovered from this petitioner, coupled with fact that investigation of this case is already completed where petitioner is a man of clean antecedent remains in custody since 17.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Ishuapur P.S. Case No. 217 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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