

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10355 of 2025

Arising Out of PS. Case No.-407 Year-2023 Thana- PAROO District- Muzaffarpur

Manoj Kumar @ Manoj Sah Son of Rambabu Sah Village- Sadikpur Saraiya
Police Station- Saraiya District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avanish Kr. Singh, Adv. Mr. Mukul Kumar Singh, Adv. Mr. Sanjay Kumar S.K., Adv.
For the informant	:	Mr. Manish Kumar, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 11-09-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 231/2024 arising out of Paroo P.S. Case No. 407 of 2023 dated 20.09.2023 registered for the offences punishable under Sections 302 and 201 of the I.P.C.

3. As per the prosecution case, on 20.09.2023 at about 5.00 P.M., while the informant was visiting his area, he received an information that in a paddy field beside the road at a distance of about 200 meters from *Paroo Canal*, the dead body of an unknown person was lying on which he immediately reached there and saw that certain villagers were gathered and then he



went closer and found a dead body dumped in the paddy field wrapped in a plastic car cover and when the cover was opened, the dead body of the unknown person was found but none of the villagers present could identify the dead body and so it appeared to him that some persons had killed him at some other location and his body was dumped there with an intention to conceal the crime.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the deceased died in some other mode and manner and either to save the real culprit or with ulterior motive the petitioner has been roped in the present case. The petitioner is not named in the F.I.R. The dead body of the deceased was identified on the basis of ATM card which was recovered from his pocket and on that basis his family members came and identified the same on 21.09.2023. It is further submitted that the name of the petitioner has sprung up in the present case on the basis of suspicion raised by the wife and the sister of the deceased by saying that on 19.09.2023 the deceased left at 7.00 A.M. to go to Saraiya to get the Alto Car of the petitioner and only on that basis the police has tried to rope the petitioner in the present case. It is further submitted that if the



deceased's family had knowledge that he went to meet the petitioner on 19.09.2023 and since then he did not return home, it is strange as to why they did not lodge case of his missing before any authority. It is further submitted that from perusal of the statement, it appears that there was good relation between the petitioner and the deceased as the deceased is the brother-in-law (sala) of the petitioner's Fufera brother and if he would have any intention to cause any harm to the deceased then objection would have been raised by the deceased's family member when he had stated that he was going to meet the petitioner. The petitioner does not own any car and the Alto Car in question which was used in the alleged crime does not belong to the petitioner. It is further submitted that on suspicion the petitioner was arrested by the police and his confessional statement was taken which has got no evidentiary value in the eye of law. It is further submitted that the postmortem of the deceased was conducted on 21.09.2023 at 10.45 A.M., wherein the time elapsed since death has been opined to be within 2-3 days and this completely rules out the story propounded either by the family of the deceased that on 19.09.2023 the deceased had said that he is going to the house of the petitioner or the so-called story propounded in the confessional statement under the duress



of the I.O. It is further submitted that the deceased Bablu Kumar used to work at a shop located at Saraiya situated at a distance of ½ kilometer from the house of the petitioner and as he was related to him, he used to come to the house of the petitioner. There is no eye witness to the alleged occurrence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 11.10.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the regular bail application of the petitioner was earlier rejected by this court vide order dated 16.05.2024 passed in Cr. Misc. No. 2452/2024. Learned counsel for the informant has further referred paragraph no. 44 of the case diary in which it has been mentioned that on 19.09.2023, one Vikrant motorcycle was standing in front of the house of the petitioner on which three persons were riding and going towards Saraiya Bazar from the side of the house of Manoj Kumar (petitioner). It is further submitted that the witness in paragraph no. 138 of the case diary has stated that the vehicle of the petitioner and the motorcycle of the deceased were standing near the house of the petitioner. It is further submitted that in paragraph nos. 53-54 of the case diary, the I.O.



has also found from the CDR/CAF/Tower Location that the tower location of Babloo Kumar (deceased) and Manoj Kumar (petitioner) are the same. It is further submitted that from perusal of paragraph no. 65 of the case diary, it appears that F.S.L. Team has also found dry blood stain on several places in the house of the petitioner and the F.S.L. Team has opined that there is possibility of happening occurrence in the house.

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the informant, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sessions Trial No. 231/2024 arising out of Paroo P.S. Case No. 407 of 2023, pending in the court of learned Additional Sessions Judge-17th, Muzaffarpur

7. The learned court below is directed to conclude the trial of the petitioner within 6 months.

(Chandra Prakash Singh, J)

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