

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28312 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- SHAMBHUGANJ District- Banka

Manoj Kumar Bagbai @ Manoj Manjhi @ Manoj Baghbai @ Manjhi S/O
Surendra Manjhi R/O Vill.- Naroun, P.S.- Shambhuganj, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Sr. Advocate Mr. Utsav, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 02-09-2025 Heard Mr. Santosh Kumar, learned Senior Counsel for the petitioner, who has appeared through video conferencing and learned APP for the State.

2. The petitioner seeks bail in connection with Shambhuganj P.S. Case No. 241 of 2024 registered for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is the assailant of the deceased. He has fired and killed the deceased. Charges have been framed in the month of March but no witness has been examined.

4. The petitioner is in custody since 21.09.2024.

5. Mr. Santosh Kumar, learned Senior Counsel for the



petitioner has taken this Court to the post-mortem report and other materials in the case diary and submits that since there is no charring, blacking etc., therefore the prosecution becomes doubtful. He also submits that the murder weapon has not been recovered and in view of the judgment of the Hon'ble Supreme Court in the case of **Munna Lal vs. State of U.P.** reported as **(2023) 18 SCC 661**, the petitioner deserves bail.

6. Learned APP has opposed the prayer for bail and has submitted that the petitioner being the assailant of the deceased does not deserve bail.

7. I have considered the submissions of the parties.

8. Since the petitioner is the assailant of the deceased, I am not inclined to grant bail to the petitioner.

9. Accordingly, the application stands dismissed.

10. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

(Sandeep Kumar, J)

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