

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35406 of 2025

Arising Out of PS. Case No.-486 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Prabhat Kumar @ Mukesh @ Mankus S/o Dhruv Prasad @ Dhruv Sah
Resident of Village- Shyam Cinema Road, Gopalganj, Ward No 17, P.S.-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 12-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with

Gopalganj P.S. Case No. 486 of 2022 for the offence punishable

under Section 302/34 of the Indian Penal Code.

3. The allegation is of commission of murder of the

son of the informant.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner deserves to be released on

bail under the circumstance that the petitioner has just emerged

as an adult and he is languishing in custody since 03.07.2023.

Petitioner had earlier preferred regular bail vide Cr. Misc. No.

1324 of 2024 which was dismissed as withdrawn vide order



dated 10.01.2025. Learned counsel submits that the allegation levelled against the petitioner is not specific that he is the one who had stabbed by means of knife in the stomach and back of the son of the informant leading to his death. He further submitted that no witness has been examined till date.

5. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the charge has been framed, but no witness has been examined till date.

6. I have perused the allegation made in the F.I.R., as well as, the evidence which has come in course of investigation. From perusal of the *post mortem* report, it appears that the cause of death, as per the opinion of the doctor, is shock and hemorrhage due to anti mortem injuries. There is contradiction in the statement of the witnesses who have also not supported that the petitioner is the one who had inflicted blow taking the life of the son of the informant who had died in course of treatment at Gorakhpur. The police has submitted the charge sheet against the petitioner and other accused under Section 302 of the Indian Penal Code and there is no question of tampering with the evidence or influencing the witnesses and also the trial is also not likely to be concluded in near future. The learned counsel has also undertaken on behalf of the petitioner that the



petitioner will abide by the conditions imposed by this Court. In such circumstances, the petitioner has, *prima facie*, made out a case to be released on bail.

7. The Apex Court in Criminal Appeal No. 227 of 2018, ***Dataram Singh vs. State of Uttar Pradesh & Anr*** decided on 06.02.2018 has held as under:

“1. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception”.

8. The Apex Court in ***Manno Lal Jaiswal Vs the State of Uttar Pradesh & Anr (Criminal Appeal No. 97 of 2022)*** has observed that while granting bail, the relevant considerations are (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering.

9. It is well settled that gravity alone cannot be a



decisive ground to deny bail, rather competing factors are required to be balanced by the Court while exercising its jurisdiction. ***“A person is believed to be innocent until found guilty”.***

10. The petitioner, above named, who is in custody since 03.07.2023, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-XVI, Gopalganj in connection with Gopalganj P.S. Case No. 486 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

11. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

