

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44734 of 2025

Arising Out of PS. Case No.-466 Year-2023 Thana- BELAGANJ District- Gaya

Prashant Kumar @ Mantu Son of Shri Ram Thakur Resident of Village - Jail Press Colony (Shakti Nagar), Police Station - Rampur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. P. N. Shahi, Sr. Advocate Mr. Aryan Singh, Advocate
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Vivek Kumar Sinha, Advocate Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2025 Heard learned senior counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 307, 326, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act and later on, Section 302 of the Indian Penal Code was added.

3. Earlier, the petitioner moved before this Hon'ble Court for grant of regular bail which was allowed vide order dated 06.02.2024 passed in Cr. Misc. No. 76768 of 2023. Thereafter, the informant moved before the Hon'ble Supreme Court for cancellation of bail of the petitioner which was



allowed vide order dated 05.05.2025 passed in Special Leave Petition (Criminal) No. 6742 of 2024 and the regular bail granted to the petitioner was cancelled and he surrendered before the learned trial court on 13.05.2025.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is not named in the F.I.R.. Informant is not an eye witness to the alleged occurrence. Name of petitioner transpired in this case during course of investigation merely on the basis of confessional statement of co-accused Manoranjan Sharma. It is further submitted that during course of investigation, one month after the alleged incident, brother of the deceased, namely Ashutosh Kumar, in his re-statement has disclosed that the deceased, on phone call, named this petitioner as one of his assailant. The aforesaid fact was not revealed or mentioned either in the first information report or in his earlier statement before the police which was recorded on the same date of the occurrence. Failure or omission to mention this vital information casts a serious shadow on the subsequent attempt to implicate this petitioner. It raised a legitimate interference that his name was introduced at a later stage, thereby, suggesting a possibility of false implication. This significant omission on the



part of brother of the deceased strikes at the root of the prosecution narrative, undermines its credibility and constitutes material fact that must weight heavily in favour of the accused. It is next submitted that though it is alleged that in the C.C.T.V. footage near the Court premises, this petitioner was seen chasing the deceased, however, the alleged C.C.T.V. is 17 Kms away from the place of occurrence and none of the witnesses has alleged to have seen this petitioner committing the alleged offence. As a matter of fact, the deceased was involved in illegal business of sand and might have been killed by the rivals and due to matrimonial dispute between brother of the deceased, namely Ashutosh Kumar, and his wife, namely Sunita Kumari, this false and concocted case has been lodged in a pre-planned conspiracy. Petitioner is in custody since 13.05.2025 and till date, he has remained in custody for more than one year and charges have already been framed against this petitioner and there is no allegation against him of tampering of the evidence.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that though petitioner is not named in the F.I.R. but the deceased has named this petitioner as one of his



assailant.

6. Considering the rival submissions advanced on behalf of the parties, materials that have surfaced during course of investigation and the fact that petitioner has remained in custody for one year, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge – XVI, Gaya in connection with Belaganj P.S. Case No. 466 of 2023, with following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the learned trial court and shall remain physically present, as directed by the learned trial court and on his absence on two consecutive dates, without sufficient reason, his bail-bond shall be cancelled by the learned trial court.

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

(Prabhat Kumar Singh, J)

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