

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87866 of 2024

Arising Out of PS. Case No.-283 Year-2021 Thana- DESARI District- Vaishali

Manish Kumar @ Manish Singh @ Raja Singh @ Manish Kumar Singh @
Raja S/O Ram Singh @ Ram Prasad Singh R/o village - Nirpur, ward no-
04,P. S - Samastipur (Muffasil) District - Samastipur, Bihar-848129

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-01-2025 Heard Mr. Hemant Kumar, learned counsel for the
petitioner and Mr. Md. Sufyan, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Desari P.S. Case No. 283/ 2021 dated 06.08.2021 registered for
the offence(s) punishable under Section(s) 302 read with section
34 of the IPC and under section 27 of the Arms Act.

3. The main submissions advanced by learned counsel
for the petitioner are that this is the second attempt of the
petitioner to get the relief of bail and his first prayer was
rejected vide order dated 10.05.2024 passed by this court giving
the petitioner a liberty to renew his bail prayer after framing of
charge and the main grounds taken by the petitioner for moving
this petition are his long custody period which has been more



than three years and secondly, no progress in his trial despite the charges having been framed upon him on 31.08.2023. It is further submitted that though, against this petitioner there are criminal antecedents of several cases but he has got bail in all the said cases and the FIR of the present matter was registered against unknown and the petitioner has been made accused in this case mainly considering his criminal antecedents as well as his confessional statement given before the police and except this, there is no material and during the investigation, material witnesses of the prosecution who were present near the place of occurrence did not claim to have identified this petitioner and CCTV installed near the place of the occurrence was also scanned but no clue was found by the police to identify the assailant and one co-accused, Nitish Kumar @ Nitish Prasad @ Shaka @ Sajjan @ Raja has been granted bail by the then co-ordinate bench of this court vide order dated 28.02.2023 passed in Cr. Misc. No. 50614 of 2022.

4. Though, the learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that there is no direct evidence against this petitioner except his confessional statement recorded by him before the police and there is no progress in his trial.



5. Heard both the sides and perused the relevant materials. Though, the instant matter relates to serious offence of murder but the prosecution is very careless in producing and examining the prosecution witnesses as the charges were framed upon the petitioner on 31.08.2023 and thereafter, a period of more than one and half year has passed but even then, no prosecution witness has produced, as appears from the report sent by the trial court, and the petitioner has been languishing in jail since 21.10.2021 and in respect of the petitioner's involvement in the alleged crime, the prosecution is mainly relying upon his own confessional statement.

6. Considering these circumstances and mainly the petitioner's custody period and no progress in his trial, in my opinion, now it is a fit case for grant of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Desari P.S. Case No. 283/ 2021 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial



court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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