

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87613 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- JADIA District- Supaul

Manjesh Kumar @ Manjesh Son of Bechan Yadav @ Bechn Yadav R/o
village-Barahkurwa ward No. 09, P.S.-Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Jadia
P.S. Case No. 163 of 2024 instituted for the offences under
Section 309(6) of the B.N.S., 2023 and Section 27 of the Arms
Act.

3. As per prosecution case, three motorcycle-borne
miscreants stopped the motorcycle of the Informant's brother
and, on the point of weapon, snatched a purse containing Rs.
4,500/-, Aadhar card, documents of the motorcycle as also
mobile from him. It is also alleged that when the Informant's
brother tried to save himself, the accused persons fired upon
him due to which he sustained fire-arm injury over his hand.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations only on the basis of suspicion. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Laltu before the police which has no evidentiary value in the eye of law. No T.I.P. has been conducted by the police till date. Learned counsel for the petitioner further submits that there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is only the order giver and the specific allegation of firing is upon the co-accused Laltu. Nothing incriminating/looted article has been recovered from the physical/conscious possession of the petitioner. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 16.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that Para 41 of the case diary contains the confessional statement of the petitioner in which he



has confessed his guilt of being involved in the alleged occurrence. Para 26 of the case diary contains the confessional statement of the co-accused Laltu in which he has confessed his guilt and has also named the present petitioner of being involvement in the alleged occurrence. The injury report supports the prosecution case and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jadia P.S. Case No. 163 of 2024.

(Rudra Prakash Mishra, J)

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