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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 786/2025**

MANOJ @ BIHARI

.....Petitioner

Through: **Mr.Swarandeeep Singh, Advocate**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Sanjeev Sabharwal, APP for State
with SI Vikas Yadav, PS Rajouri
Garden and SI Manjit singh PS Kirti
Nagar**

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CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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16.09.2025

1. *Vide* this common order, I am disposing of the above titled bail applications of the same applicant herein, one arising out of an FIR no. 993/2021, and other is FIR no. 1019/2021 as complainant is same and



similar allegations but two incidents.

2. The applicant herein, having been under incarceration since 14.12.2021.

3. He seeks regular bail in both his bail applications i.e. BAIL APPLN. No. 786/2025 and 787/2025. The said applications respectively arise out of FIR No. 0993/2021 dated 26.11.2021, for the alleged offences under Sections 324 and 34 IPC, and FIR No. 1019/2021 dated 13.12.2021, for the alleged offences under Section 307 IPC, both registered at P.S. Rajouri Garden. Subsequently, a common chargesheet has been filed in respect of both FIRs for the alleged offences under Section 307 IPC and Sections 25, 27, 54, and 59 of the Arms Act.

4. Briefly speaking, the case set up by the complainant is that:-

4.1 As per FIR No. 993/2021, it is alleged that on 25.11.2021, after finishing her Event Management work in Punjabi Bagh, the complainant was returning home via Ring Road in an autorickshaw. Around 11:00 PM, near the Foot Over Bridge ahead of Raja Garden Flyover towards Mayapuri, she saw her acquaintance Ruksana standing on the road. She got down from the auto to speak to her, and the auto left.

4.2 At that moment, Manoj Bihari (applicant herein) and Maani, arrived on a scooty. The complainant, who already knew them, stated that she had previously helped the Special Staff of West District in apprehending one Lalit Bihari, with whom the applicant and Maani were associated.

4.3 The applicant and Maani allegedly threatened her saying, *"You got Lalit Bihari caught, today we will teach you a lesson"* and attacked her with sharp objects, causing injuries to her neck and legs, and then fled towards Mayapuri on the scooty (applicant riding, Maani pillion). Ruksana



immediately took the injured complainant to DDU Hospital in an auto, where the police recorded her statement and initiated legal proceedings.

4.4 Further, as per FIR No. 1019/2021, it is alleged that on 12.12.2021 at about 10:30 PM, the complainant was again near the same Foot Over Bridge ahead of Raja Garden Flyover towards Mayapuri, waiting for an autorickshaw after meeting a friend. At that time, the applicant herein approached her on foot from the direction of Raja Garden Flyover.

4.5 The complainant alleges that the applicant, angry over her prior assistance to the police, said, “*Why did you get me arrested by the police? I will finish you today,*” and attacked her with a sharp knife-like object, causing injuries to her hand, face, and back of the neck. The applicant thereafter fled.

4.6 The complainant stopped an auto, went to Tilak Nagar Police Station, and was taken to DDU Hospital by a lady police officer for treatment. As she was in pain and unable to give her statement the same night, the police recorded it at her residence the following day.

5. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

6. Learned counsel for the applicant would argue on lines of grounds taken in the petition *inter alia* urging as below:-

6.1 The prosecution has utterly failed to produce any cogent or credible evidence to substantiate its allegations. The alleged incident is said to have occurred near the Foot Over Bridge on Ring Road. The said location is having heavy vehicular traffic and pedestrian movement. And yet, no CCTV footage has been produced to show the presence of the Applicant/Accused at the spot. Equally, no call detail records (CDR) or tower location evidence



have been filed to establish the presence of either the Applicant/Accused or the complainant at the alleged place of occurrence.

6.2 The alleged weapon (knife) bears no bloodstains nor any forensic connection to the complainant, making its use in the alleged offence highly doubtful. Despite the public nature of the location, no independent eyewitness has corroborated the complainant's version. Even the arrest and recovery of the weapon lack independent public witness testimony, further exposing the hollowness of the prosecution's case.

6.3 The prosecution story is riddled with material contradictions and inconsistencies that render it wholly unreliable. The complainant initially described the weapon in the FIR as a mere "sharp object" but later identified a knife allegedly recovered by police—this glaring discrepancy demolishes the credibility of the prosecution. The injuries sustained are not conclusively linked to the Applicant/Accused and could even be self-inflicted. Crucially, the complainant's friend Rukhsana, said to have witnessed the incident and taken the complainant to the hospital, has not been examined, nor has the complainant's husband. This failure leaves the chain of events uncorroborated and the prosecution case purely speculative.

6.4 The prosecution has not established any direct enmity or compelling motive. The alleged "revenge theory" over the arrest of Lalit Bihari is wholly unsubstantiated. The non-examination of critical witnesses such as Rukhsana or the complainant's husband further dismantles the prosecution's narrative and exposes it as conjectural.

6.5 The alleged recovery of the knife is suspicious, uncorroborated, and appears fabricated. It is unsupported by forensic proof and devoid of public witness testimony. The complainant's inconsistent statements regarding the



weapon, coupled with the absence of corroboration, strongly suggest that the knife was planted to falsely implicate the Applicant/Accused.

6.6 The investigation has been shoddy, biased, and perfunctory. No statement of the complainant's friend was recorded, no independent passerby statements were collected despite the alleged public nature of the incident, and the identification of the weapon in poor lighting conditions is dubious. These cumulative lapses irreparably undermine the credibility of the investigation.

6.7 The Applicant/Accused has been in judicial custody since 14.12.2021, while the trial has progressed at a snail's pace. Such prolonged incarceration without conclusion of trial amounts to punishment before conviction and is a direct violation of Article 21 of the Constitution of India.

6.8 The Applicant/Accused has already undergone detention exceeding one-half of the maximum prescribed punishment for the alleged offences. In such circumstances, he is statutorily entitled to bail under Section 436A Cr.P.C. (Section 479 BNSS, 2023), absent any exceptional reason for denial.

6.9 The Applicant/Accused is a poor man with a wife and minor children solely dependent on him. His prolonged incarceration has inflicted severe financial and emotional hardship upon his family, disrupting their education and livelihood.

6.10 The Applicant/Accused has no prior convictions and is not a habitual offender. Given his vulnerable socio-economic condition, he is particularly susceptible to false implication. Continued detention causes undue hardship and constitutes a gross violation of his right to liberty.

6.11 The learned counsel also places reliance on the judgments of ***Satender Kumar Antil v. CBI [(2022) 10 SCC 51]***, ***Arnesh Kumar v. State of***



Bihar[(2014) 8 SCC 273], and ***Dataram Singh v. State of U.P. [(2018) 3 SCC 22]***, wherein the Hon'ble Supreme Court has consistently held that bail is the rule and jail is the exception, unnecessary detention must be avoided, and the presumption of innocence must be upheld. Sections 479 BNSS and 436A Cr.P.C. also mandate release on bail after undergoing detention for one-half of the maximum sentence prescribed, thereby reinforcing the Applicant/Accused's entitlement to bail in the present case.

7. Learned APP for the State, though, opposes the bail, stating that the complainant has been tutored and that FIR No. 1019/2021 under Section 307 of the IPC read with Sections 25/27/54/59 of the Arms Act, registered at Police Station Rajouri Garden (Bail Appln. No. 787/2025), shows that the other prime accused, Maani, was not even accompanied by Manoj.

8. Having heard, I am of the view that there may be some substance in some of the arguments addressed on merits by the learned counsel for the applicant, but the same are a matter of trial.

9. However, what makes the case for bail at this stage is that the statement of the complainant/victim herself, who has appeared before this Court today pursuant to an earlier order dated 17.07.2025. In response to repeated and specific queries from the Court, she unequivocally affirmed that on both occasions the Applicant was not the assailant. She clarified that although the Applicant was present along with the prime accused Maani, it was Maani alone who stabbed her.

10. When asked a further leading question whether Manoj (the Applicant) and Maani were the same person, the complainant categorically stated that they are different individuals. She clarified that it was Maani who was armed with the knife and inflicted the injuries on her. She further explained



that she had consistently stated this fact before the Investigating Officer, but due to a misunderstanding, the role attributed to Manoj was wrongly equated with that of Maani, even though their roles were clearly distinct.

11. Learned APP though submits that the complainant is making a false statement. Especially in the second FIR which is only against Manoj.

12. In light thereof, when the aforesaid question was again posed to the complainant, she reiterated that even in the second FIR, i.e., FIR No. 1019/2021, Manoj did not inflict any injury on her.

13. Moreover, it transpires that the applicant has already remained in judicial custody since 14.12.2021 i.e. more than 3 and a half years. Investigation is over qua him as the charge sheet has been filed. This prolonged pre-trial detention, coupled with the slow progress of proceedings, are contributory factors for bail.

14. As regards the apprehension of tampering with evidence, there is nothing on record to suggest that he would interfere with evidence, or influence witnesses. Moreover, the material evidence has already been seized and is securely in the custody of the prosecution, rendering such apprehension illusory.

15. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, has deep roots in society, and is the primary caregiver of his wife and 2 young children, who are dependent on him for their well-being, and hence not a flight risk.

16. Continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. *bail is the rule and jail the exception*, particularly when



the accused does not pose a flight risk or a threat to the fairness of the trial.

17. As an upshot and taking a wholesome view of the matter, I am of the view that it is a case of bail at this stage.

18. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

19. Any observation made herein above is only for the purpose of disposing of the instant bail applications and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

20. Accordingly, the bail applications stand disposed of.

ARUN MONGA, J

SEPTEMBER 16, 2025/SV