

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31576 of 2026

Arising Out of PS. Case No.-241 Year-2024 Thana- SHAMBHUGANJ District- Banka

Manoj Kumar Bagbai @ Manoj Manjhi @ Manoj Baghbai @ Manjhi @
Manoj Kumar Son of Surendra Manjhi R/O Vill.- Naroun, P.S.- Shambhuganj,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prahlad Kumar Bhagat
For the Opposite Party/s :	Mr. Shyam Kumar Singh, APP
	Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-05-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. This is the 2nd attempt of the petitioner seeking bail
in connection with Shambhuganj P.S. Case No. 241 of 2024
registered for the offence punishable under Sections 103(1) and
3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms
Act

3. Earlier the bail application of the petitioner was
rejected on 02.09.2025 in Cr. Misc. No. 28312 of 2025 which
reads as follows:-

Heard Mr. Santosh Kumar, learned Senior
Counsel for the petitioner, who has appeared through
video conferencing and learned APP for the State.

2. The petitioner seeks bail in connection
with Shambhuganj P.S. Case No. 241 of 2024 registered
for the offence punishable under Sections 103(1) and



3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is the assailant of the deceased. He has fired and killed the deceased. Charges have been framed in the month of March but no witness has been examined.

4. The petitioner is in custody since 21.09.2024.

5. Mr. Santosh Kumar, learned Senior Counsel for the petitioner has taken this Court to the post-mortem report and other materials in the case diary and submits that since there is no charring, blacking etc., therefore the prosecution becomes doubtful. He also submits that the murder weapon has not been recovered and in view of the judgment of the Hon'ble Supreme Court in the case of **Munna Lal vs. State of U.P.** reported as (2023) 18 SCC 661, the petitioner deserves bail.

6. Learned APP has opposed the prayer for bail and has submitted that the petitioner being the assailant of the deceased does not deserve bail.

7. I have considered the submissions of the parties.

8. Since the petitioner is the assailant of the deceased, I am not inclined to grant bail to the petitioner.

9. Accordingly, the application stands dismissed.

10. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

4. The learned counsel for the petitioner submits that the charge has been framed but no witness has been examined.

5. Considering the fact that the petitioner is the sole assailant of the deceased and the trial has started, I am not inclined to grant regular bail to the petitioner. Accordingly, this application for regular bail stands dismissed.

6. The Superintendent of Police, Banka is directed to



ensure the attendance of the witnesses in the trial on the dates fixed so that the trial is not delayed.

7. If the trial is not concluded within one year and is delayed by the prosecution, the appellant may renew his prayer for bail.

8. Let a copy of this order be communicated to the Superintendent of Police, Banka through FAX or e-mail for immediate compliance.

(Sandeep Kumar, J)

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