

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37419 of 2026**

Arising Out of PS. Case No.-491 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Manoj Saw @ Shailendra Kumar Manoj Son of Late Makeshwar Saw  
Resident of Village - Bazar Samiti, Naya Bazar, Ward No. 28, P.S.- Kabaiya,  
District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      17-06-2026      1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 25.09.2020, Dharmendra and petitioner along with two unknown accused came at 10:00 p.m. and asked his brother to accompany them for doing settlement of accounts, accordingly, his brother accompanied them and did not return in the night and next day the informant came to know that a dead body is hanging from a tree near a bridge, hence, he reached the



place of occurrence and saw the dead body of his brother, thus, alleges based on suspicion that accused persons including the petitioner might have killed his brother.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion based on the theory of last seen. It is next submitted that if the brother of the informant did not return home in the night then why the informant or his family members did not try searching him. It is also submitted that the police, after threadbare investigation, came to a considered conclusion that petitioner is innocent and, thus, submitted Final Form No. 457 of 2021 exonerating the petitioner of the allegation as alleged in the FIR based on the material which transpired during the course of investigation but then the learned Trial Court differing with the police report took cognizance by an order dated 29.01.2025. It is, thus, submitted that when one investigating agency, after threadbare investigation, came to a considered conclusion that petitioner is innocent, whether it would be prudent for the Court to send the



petitioner to jail based on an order of cognizance which came to be taken based on the same police report which had exonerated the petitioner of the allegation. It is submitted that if the privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned Additional Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that the police, after investigation submitted final form exonerating the petitioner of the allegation.

6. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Lakhisarai



(Ramgarh Chowk) P.S. Case No. 491 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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