

In the Court of Additional Sessions Judge-I, Danapur.

S. Tr. No. 234 of 2020.

Regn. No. 234 of 2020.

28 -08-2020. A Regular Bail Petition has been filed on behalf of the accused-petitioner namely Manish Kumar Mani, son of Sri Satyanarayan Sharma, who is in custody since 18-01-2020 in connection with this Sessions case arising out of Bikram P.S. Case No. 07 of 2011 registered under sections 302, 120(B) read with section 34 of the I.P.C. and under section 27 of the Arms Act.

Heard the learned counsel on behalf of the petitioner as well as the learned Addl.P.P. on behalf of the prosecution via video conferencing and also perused the case records.

The prosecution case, in brief, is that the Informant Nikki Devi gave her fardbeyan on 11-01-2011, before the Police that in the mid night when she was sleeping in the house her domestic servant Rajesh Kumar knocked the door. When the informant opened the door, it is alleged that about 10-12 armed persons entered into her room and on the point of Pistol, they took away licensee arms and other valuable things from the house of the informant. It is further alleged that in the course of occurrence, the criminals tried to rape her and when the servant of the informant protested, he was shot dead in the house. The motive of occurrence is assigned as previous dispute with the named accused-persons.

Learned counsel for the petitioner submitted that the petitioner is not named in the F.I.R. and he has been made accused during investigation on the basis of confessional statement of one co-accused Ram Ratan Yadav and Nikky Devi (informant). It is also submitted that the confessional statement given before the Police has no evidentiary value in the eye of law. Other co-accused namely Ram Ratan Yadav has been granted bail by the Hon'ble Court, Patna, vide Cr. Misc. No. 11611 of 2012. The petitioner also moved before the Hon'ble Court for granting Anticipatory Bail through Cr. Misc. No. 25681 of 2011, which has been rejected vide order dated 25-11-2011. Thereafter, the petitioner surrendered before the learned Court below on dated 18-01-2020.

Learned counsel for the State vehemently opposed the prayer of bail and submitted that in course of investigation, this case took U turn and the complicity of the petitioner surfaced during investigation, on the basis of confessional statement of co-accused Ram Ratan Yadav and Nikky Devi, who happened to be the informant of this case. Moreover anticipatory bail has already been rejected by the Hon'ble Court. The petitioner declared absconder and a permanent warrant was issued against him on dated 14-12-2018. The allegation against this petitioner is not similar with other accused, who has been granted bail by the Hon'ble Court.

Considering the aforesaid facts and circumstances of the case and considering the materials came during investigation against this petitioner, which reveals that the petitioner has actively participated in the alleged crime by making conspiracy with other persons, which is mentioned in paragraph nos. 48, 49, 123 and 144 of the case diary. Hence, in view of the materials came during investigation against this petitioner, this court is not inclined to grant him bail. Accordingly, bail petition of the petitioner is hereby rejected. (Dictated)

Addl. Sessions Judge-I, Danapur.

25-08-2020.

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A.D.T.F.
Danapur
Certified that this is the true copy
of the order passed by this Court.