

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18031 of 2020

Arising Out of PS. Case No.-378 Year-2019 Thana- LAXMIPUR District- Jamui

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KAILA PASWAN @ KEYALA PASWAN Son of Late Jitan Paswan Resident
of Village - Karahua, P.S. Sikandra, District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Adv

For the Opposite Party/s : Mr. Sanjay Kr Singh, APP

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 20-10-2020 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 364/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that period of custody of petitioner has been inadvertently mentioned in para 7 of the petition as 11.10.2019 instead of 12.10.2019.

Informant in his written complaint has alleged that on 08.10.2019 at about 5:00 pm when his son Bodha Manjhi alongwith his younger brother and sister was coming to home after seeing Giddhaur Fare by auto and at about 9:00 pm when the tempo was about to reach Kalali Bridge, in the meantime



Kaila Paswan, Sanjay Manjhi, Madho manjhi, Radhey Manjhi and Rajesh Manjhi came, took down his son Bodha Manjhi from Tempo and went towards Bahiyar. His younger son and daughter came to house by another auto and told the story of kidnapping of their elder brother and they also told that Mahendra Paswan and Chandan were also involved in the kidnapping of their elder brother Bodha Manjhi. Thereafter the Informant along with his co-villager searched for the whereabouts of his son but he could not be traced out.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. It has been submitted that Informant is not the eye witness of the alleged occurrence. There is no specific allegation against the petitioner. From perusal of paragraph 9 of the case diary it is evident that 3 years ago sister of co-accused Sanjay Manjhi was enticed away by a co-villager and suspicion was raised against petitioner who was having illicit relation with wife of Bulakiya Manjhi and this petitioner has intimidated the family of Informant for facing of dire consequence and due to this petitioner has been implicated in this case. Petitioner has got no criminal antecedent and is in custody since 12.10.2019.

Considering the aforesaid facts and circumstances of the



case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Laxmipur (Giddhaur) P.S. Case No. 378 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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