

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32452 of 2020

Arising Out of PS. Case No.-333 Year-2019 Thana- KALYANPUR District- East Champaran

Manoj Malik, aged about 30 years, male, Son of Vishwanath Malik, Resident
of Village - Shitalpur, P.S. - Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-12-2020 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Md. Arif, learned APP for the State.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 333 of 2019, dated 26.12.2019,
instituted for the offences under Sections 302, 201 and 34
of the Indian Penal Code.

The informant has alleged that her husband was
killed in cold blood. Though a detailed story has been



narrated by the informant about the happenings which had taken place immediately prior to the death of the deceased, but nowhere has she named anyone nor has she raised suspicion on anybody, much less the petitioner. The name of the petitioner has transpired in this case on the confession of one Baidyanath Malik, who had definite animus against the deceased and is also inimical to the petitioner.

Learned counsel for the petitioner, therefore, submits that the only material against him is the confession of an accused person and that also by a person who is not on good terms with the petitioner. It has further been submitted that there is no motive for the petitioner to have participated in the killing of the deceased or in any manner supporting aforesaid Baidyanath Malik in eliminating the deceased.

The petitioner is in custody since 26.03.2020 and he claims to be a person of clean antecedents.

Considering the facts afore-stated, the petitioner above-named is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 333 of 2019.

However, it is made clear that if the investigation is still continuing and if the case goes to trial, the petitioner shall participate in the trial and his absence from the trial proceedings without due permission from the Trial Court, would render his bail liable to be cancelled.

(Ashutosh Kumar, J)

Praveen-II/-

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