

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17315 of 2021**

Arising Out of PS. Case No.-719 Year-2020 Thana- FORBESGANJ District- Araria

MANILAL MUKHIA @ MANILAL MUKHIYA Son of Late Jitan Mukhiya
Resident of Village- Choura Parwaha, Ward No. -9, Bhag Kahliya, P.S.-
Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 308/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, son of the informant was missing for 20 days and in the meantime a video clip surfaced showing that the victim was illegally detained by the culprits.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he is co-villager of the



informant. FIR has been lodged after inordinate delay without explanation of delay. The name of the petitioner surfaced in the case on the basis of video clip genesis of the same is doubtful. Save and except video clip there is no tangible evidence against the petitioner. Petitioner claims clean antecedent and he is in custody since 28.8.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been collected against the petitioner during course of the investigation and petitioner has clean antecedent and he is in custody since 28.8.2020, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Forbesganj Police Station Case No. 719 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



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

(Prabhat Kumar Singh, J)

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