

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19919 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- BARIYARPUR District- Munger

MODI MANDAL Son of Subhash Mandal Resident of Village/Muhalla -
Shakhara Tola, P.S.- Bariarpur, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-01-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with S.C. No. 3 of 2020 arising out of Bariarpur P.S. Case No. 140 of 2019, registered for the offence punishable under Sections 364/34 of the Indian Penal Code and later on, Sections 302, 201 of the Indian Penal Code was added.

The allegation is regarding the accused persons including the petitioner herein having arrived at the house of the victim, namely, Ravi Kumar, and asked for money, which he had taken from the co-accused person namely, Birbal Mandal and when the victim did not pay the



same, they are stated to have taken him away and thereafter, the victim, namely, Ravi Kumar, is stated to have become traceless.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present, he is having a clean antecedent and he is languishing in custody since 20.09.2019. The learned counsel for the petitioner has submitted that except the confessional statement of the petitioner and other accused persons, there is no material on record to suggest the complicity of the petitioner in the alleged crime and moreover, the confessional statement, made before the police, has got no evidentiary value in the eyes of law. It is also submitted that there is no eye-witness to the alleged occurrence and moreover, neither the victim has been recovered nor his dead body has been found.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, I find that there is minuscule evidence as far as the petitioner is concerned, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II Munger in connection with S.C. No. 3 of 2020 arising out of Bariarpur P.S. Case No. 140 of 2019.

(Mohit Kumar Shah, J)

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