

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24107 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

Mantu Kumar @ Mantu Kumar Yadav, aged about 26 years, Male, Son of Arun Kumar Yadav, Resident of Village - Dhiraj Nagar Tetaria, P.S. - Muffasil, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Verma, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 08-01-2021 Heard Mr. Yogesh Chandra Verma, learned senior counsel assisted by Mr. Pramod Kumar Verma, learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Moffasil P.S. Case No. 19 of 2020 registered for the offences punishable under Sections 364, 302, 201/34 of the Indian Penal Code.

The prosecution case in short is that on 25.01.2020, wife of informant Seema Kumari was admitted to Maa Seva Sadan Hospital, Nawada for delivery and a child was born on 25.01.2020 by operation and the informant's Sasural is near the hospital, village Dhiraj Nager Tetariya every date her brother Raushan Kumar used to carry meal and on date about 08.01.2020 at 7 P.M. careful brother informant by bullet motorcycle bearing No.BR 27m-4071 at Maa Seva Sadan Hospital, Nawadah and reached village Dadaur, full brother of



informant Raushan Kumar and all accused persons were already present with four wheelers vehicle namely Mantu Kumar, Vikash Kumar, Guria Kumari, Rakesh Kumar and Mukesh Kumar 3 or 4 unknown persons surrounded full brother of informant with intention to kill and forcefully kidnapped the above named persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that whole story of the informant is false, fabricated. From perusal of the F.I.R., it will be evident that no one is eye witness to the occurrence and only on suspicion, the petitioner has been made accused. He further submits that on the basis of confessional statement of the petitioner in the case diary, the police has mentioned that the petitioner had also involved in the present case. Learned counsel for the petitioner further submits that the petitioner is in jail custody since 30.01.2020 and the petitioner has got no any criminal antecedent.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Muffasil P.S. Case No. 19 of 2019, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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