

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12801 of 2022

Arising Out of PS. Case No.-219 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Gabbar Mandal, Son of Deoki Mandal, Resident of Village- Chai Tola
Pirpahar, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate
		Mr. Rajiv Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Munger Muffasil P.S. Case No. 219 of 2020,
registered for the alleged offences under Section 364 of the
Indian Penal Code.

As per the prosecution case, the minor son of the
informant went missing and the informant named the petitioner
and other co-accused persons who might have kidnapped and
killed her son.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case merely on the basis of suspicion. The informant has nowhere stated that she saw her son with the petitioner or any of the co-accused persons. There is no eye witness to the alleged occurrence. The occurrence is stated to have taken place on 09.06.2020, but the written report was submitted on 15.09.2020 and there is no explanation for this delay of more than three months. The petitioner has been falsely implicated as the wife of the petitioner was elected for the post of President in Mai Panchayat contesting against the informant. The petitioner is in custody since 06.08.2021 and is having clean antecedent. The charge sheet has been submitted against the petitioner.

Learned A.P.P. opposes the prayer for bail submitting that the witnesses in paragraphs 6 and 7 of the case diary have supported the prosecution case. However, learned APP concedes that these witnesses are not the eye witnesses and they have also showed their suspicion that the petitioner and other co-accused persons were involved.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of



material to connect the petitioner with the crime as alleged and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 219 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

