

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46445 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- JAMALPUR District- Munger

MITHUN YADAV S/o KARELAL YADAV R/o VILLAGE-SINGHIYA
ENGLISH, P.S-NAYARAMNAGAR, DISTRICT-MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Advocate.

For the Opposite Party/s : Mr.Aditya Narayan Singh No.1, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 18.12.2020,
seeks regular bail in connection with Jamalpur P.S. Case No. 74
of 2020 for the offence punishable under Sections 363, 364,
302, 201 and 120B/34 of the Indian Penal Code.

The prosecution case, in brief, is that the son of the
informant namely Manish Kumar had gone out from his house
on 05.07.2020 at about 4 PM on a three wheeler auto but he did
not return and thereafter he could not be traced.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has committed no offence as alleged. He has been falsely been implicated in this case due to enmity. He further submits that the petitioner is not named in the F.I.R. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Vishal Kumar and Sudhanshu Kumar which has no evidentiary value in the eye of law and said Sudhanshu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2021 passed in Cr. Misc. No. 35999 of 2020. Chargesheet has been submitted in this case and the petitioner is in custody since 18.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, petitioner is not named in the F.I.R., the co-accused on whose confession name of the petitioner has surfaced in this case has been granted bail vide order dated 10.03.2021 passed in Cr. Misc. No. 35999 of 2020, petitioner is in custody since 18.12.2020, chargesheet has been submitted in this case, hence there is no chance of tampering with the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 74 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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