

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28210 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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MUNNILAL KUMAR Son of Jagdish Sahani Resident of Village - Tikuliya,
P.S.- Pipra, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Mr. Rashmi Jha, Advocate Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s :		Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that his son proceeded for some work and thereafter did not return home. He was not to be found in spite of search. Subsequently his dead body was found.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation wherein it has transpired that the petitioner was having some affair with the wife of the deceased. It is further submitted that



the allegations are absolutely false and concocted. There are no eye witnesses to the occurrence and no material has transpired to directly connect the petitioner with the alleged crime. The petitioner is in custody since 18.12.2021 and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation, there being no eye witness to the occurrence and the petitioner being in custody for more than 1 year since 18.12.2021, the petitioner is directed to be enlarged on bail in connection with Dumariaghat P.S. Case no. 232 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari on the following conditions:

(i) One of the bailors of the petitioner shall be a close relative of the petitioner.

(ii) The petitioner shall remain physically present/properly represented on each date of the trial and shall cooperate in the trial.

In case the learned trial Court is of the opinion that



the trial is being delayed due to non-cooperation of part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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