

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47174 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- LADANIA District- Madhubani

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Jitan Mukhiya, S/o Darshan Mukhiya, R/v- Kabilasa, P.S.- Ladaniya, Dist-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate
		Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Ladaniya
P.S. Case No.64 of 2022 registered for the offence punishable
under Sections 302, 201 and 34 of the Indian Penal Code.

Informant has alleged that on 11.03.2022, the instant
petitioner called her son for witnessing a marriage ceremony.
Next day, when he did not return, inquiry was made which
revealed that Bishun Mukhiya had accompanied co-accused
Ram Kishun Mukhiya and her son at around mid-night. One day
thereafter on 13.03.2022, dead body of the informant's son has
been found, leading to lodging of the instant case.

Learned counsel for the petitioner submits that from



the prosecution case, it is obvious that the informant's son was not taken by any force. On his own volition, he had gone with the petitioner for witnessing the marriage. Even though he did not return for two days, no case was lodged against the petitioner. It is only after dead body was recovered, that as an afterthought the instant case has been lodged. The petitioner, in the aforesaid background, has become a victim of the circumstances and having no antecedents, he is in custody since 26.03.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of the petitioner's implication, his clean antecedents and the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Gautam Kumar, learned Judicial Magistrate-1st Class, Madhubani. in connection with Ladaniya P.S. Case No.64 of 2022, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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