

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37309 of 2018

Arising Out of PS. Case No.-33 Year-2017 Thana- BITHAN BAZAR District- Samastipur

Bamffar Mukhiya @ Santosh Mukhiya S/o Kailash Mukhiya, R/o Vill.-
Chhechhani, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 13.10.2017 passed in Cr. Misc. No. 36631 of 2017. Petitioner is languishing in judicial custody since 18.03.2017 in connection with Sessions Trial No. 502 of 2017, arising out of Bithan P.S. Case No. 33 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Sections 25(1-b) A, 26, 35 of the Arms Act.

The prosecution case, as lodged by the informant, is that his son Bimlesh Kumar Yadav (deceased) was taken away by the petitioner, other two named accused persons and two unknown accused persons and after a short while firing shot was heard. Another son of the informant came running and informed



that the informant's son Bimlesh Kumar Yadav has been killed by the petitioner, two named and two unknown accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, no motive has been assigned regarding the said killing and there are three injuries found but the allegation is upon the petitioner and four other co-accused. He submits that charges have been framed on 18.09.2017 but as yet none of the witnesses has been examined and the trial is proceeding at a very slow pace. The petitioner undertakes to co-operate in the trial and appear before the Trial Court on day-to-day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances, materials on record and the period of custody, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-1st, Samastipur in connection with Sessions Trial No. 502 of 2017, arising out of Bithan P.S. Case No. 33 of 2017, subject to the conditions that:

(1) One of the bailors would be close



relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the trial and appear before the learned Court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/Pragya

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