

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 12989 of 2018

Arising Out of PS.Case No. -197 Year- 2017 Thana -BHARGAWAN District- ARRARIA

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Kaushil Mukhiya, son of Rajjo Mukhiya, Resident of Village- Tinkonwa
Mainpur, Nawabganj, P.S.- Bhargama, Dist.- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the S t a t e : Mr Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 06-04-2018

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in a case registered under

Sections 302, 201/34 of Indian Penal Code.

Petitioner's counsel submits that from the allegations made in the first information report (for brevity, *FIR*), the case against the petitioner comes under serious shadow of doubt. It has been stated in the *FIR* itself that the informant's mother (aunt of the instant petitioner) had gone along with the petitioner to live with him at his house and was residing there for the last four months. It is submitted that in course of investigation, it has come that informant's husband Chhotu Mukhiya (son-in-law of the victim) has done her to death. The said Chhotu Mukhiya has been allowed bail by this Court in *Cr Misc No 62124 of 2017*. It is also



submitted that there is no motive in favour of the instant petitioner as by committing murder of the victim, he cannot inherit any property. It is further submitted that case of the petitioner is on better footing than that of Chhotu Mukhiya. Prior to this case, the petitioner has no criminal antecedent and he is in custody since 15.09.2017.

Considering the aforesaid submission, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Bhargama Police Station Case No 197 of 2017 subject to the following conditions:

(1) 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.

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

(Madhuresh Prasad, J)

M.E.H./-

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