

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25793 of 2019

Arising Out of PS. Case No.-211 Year-2016 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

JARMAN MUKHIYA @ JARBAN MUKHIYA Son of Bisheshwar Mukhiya
Resident of Village - Jibudihuli, P.S.- Singhiya, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Syed Ehteshamuddin
For the Opposite Party/s : Mr.Ajay Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 24-04-2019 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 07.03.2019 in Criminal Miscellaneous No. 1721 of 2019 with liberty to renew his prayer for bail after framing of charge.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 379/120B of the Indian Penal Code.

Informant has alleged that his deceased son Lalit Yadav was taken away by accused Baiju Mukhiya and accused Jarman Mukhiya (petitioner) on motorcycle to award him contract of Jalkar, however, it is further alleged that his nephew, namely, Birendra Yadav and Pramod Yadav while returning home and as they reached near village, Barra, they saw that Shashi Yadav, Rakesh Yadav, Baiju Mukhiya were holding the



son of the Informant and the petitioner was cutting his neck. It is submitted that Informant is not an eye witness, when he reached the place of occurrence only dead body was found. The allegations are based on information received from their nephews whose presence at the place of occurrence is doubtful. Time of occurrence is 8:00 pm on 20.10.2016 whereas FIR was registered on the written complaint on 21.10.2016 at about 1:00 pm. Deceased was a veteran criminal.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to village politics. Petitioner has got no criminal antecedent and is in custody since 08.09.2018. Learned counsel for the petitioner further submits that petitioner was granted liberty to renew his prayer for bail after framing of charge and charge has been framed against the petitioner on 14.03.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Kusheshwar Asthan P.S. Case No. 211 of 2016 (G.R. No. 812 of 2016) S. Tr. No. 21 of 2019**, with 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 and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

