

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26728 of 2020

Arising Out of PS. Case No.-327 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Mukesh Kumar Son of Shri Bharat Ray @ Bharat Ray Resident of Village -
Madhopur Hazari, P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.M.Mishra,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2020 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sahebganj P.S. Case No. 327 of 2019, GR No. 2604 of 2019 registered for the offence punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 30-07-2019 at about 5.45 PM, while the brother of the informant was returning on motorcycle, he was intercepted by unknown miscreants and it is alleged that one of them fired at him, as a result of which, he fell down from his motorcycle. It is further alleged that miscreants also took away his motorcycle.

It is submitted on behalf of petitioner that petitioner is not named in the FIR and his name has surfaced on the basis of



confessional statement of co-accused Deepu Singh. Save & except this, there is no material against this petitioner. No stolen article has been recovered from the possession of the petitioner. It is further submitted that till date, petitioner has not been put on 'Test Identification Parade'. It is further submitted that initially, the petitioner was arrested on 25-11-2019 in Sahebganj P.S. Case No. 341 of 2019 and thereafter, he has been remanded in five more cases including the present case and since then, petitioner is in custody. Chargesheet in this case has already been submitted.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st cum Sub Judge 1st, West Muzaffarpur in connection with Sahebganj P.S. Case No. 327 of 2019, GR No. 2604 of 2019, on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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