

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33668 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- KALUAHI District- Madhubani

RAM BHAJAN MUKHIYA, aged about 27 years, Male, Son of Bauelal Mukhiya, Resident of Village- Akaunha, Ward No.-14, Usrahi Deodha, P.S.- Deodha, District- Madhubani, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajiv Ranjan Kr. Pandey, Advocate.
For the Opposite Party : Mr. Mithilesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 323 and 307/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner



and two other co-accused boarded on the Motorcycle without number came at the shop of the informant and got down from the Motorcycle and went to the shop of Karan Sahani for making recharge of Mobile. After that, co-accused Sonu Mandal returned to the informant. The said Karan Sahani also came behind Sonu Mandal and said the informant about having pistols with them and when Karan Sahani enquired from Sonu Mandal, then he took out his hand from left pocket but he had kept his right hand in right pocket. In the meantime, the informant told to call *Chowkidar* then the petitioner made three-four firings upon the informant from his pistol. Co-accused Sonu Mandal also made firing upon the informant but it did not hit the informant though he began to fill bullet into his pistol but in the meantime, the villagers assembled there and assaulted both including the petitioner. The informant was admitted in Jainagar Hospital from where, he was referred to Sadar Hospital, Madhuani for treatment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 21.11.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the



present case. The petitioner has remained in custody for more than one year. As per allegation, the petitioner is said to have fired upon the victim. The said allegation is denied by the petitioner. From perusal of the order of the learned Sessions Court, it appears that nature of injury has not been mentioned in the order sheet.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madubani, in connection with Kaluahi P.S. Case No. 163/2019.

(Sudhir Singh, J)

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