

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11610 of 2021**

Arising Out of PS. Case No.-29 Year-2020 Thana- NIRMALI District- Supaul

=====

Laxmi Mukhiya, S/O Bindeshwari Mukhiya, R/V-Majhari, P.S-Nirmali,  
District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      13-09-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the  
offence punishable under Sections 394/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that on 22.02.2020 on the  
point of fire arms stop the informant and out of three one fired  
from his pistol which hit in the writ of Subhash Kumar Yadav  
and looted away his bag which containing cash Rs.3,75,000/-

Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that the petitioner is not named in the  
FIR. No incriminating articles has been recovered from the  
conscious possession of the petitioner. There is no T.I. Parade



till date against the petitioner. The petitioner is languishing in judicial custody since 16.09.2020. The petitioner has got 02 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the facts, there is no incriminating articles has been recovered from the conscious possession of the petitioner and the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nirmali P.S. Case No. 29/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated



in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Anjani Kumar Sharan, J)**

amitkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

