

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19295 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

Sikandar Mukhiya, aged about 22 years, Male Son of Mahesh Mukhiya,
Resident of Village-Bhuthi, Sonbarsa, P.S. + District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Murad Ashraf, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Tarique Shamim, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-11-2021 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No. 21 of 2020 dated 28.01.2020 registered
for offence punishable under Sections 120(B), 302 of the Indian
Penal Code read with Section 27 of the Arms Act.

The allegation made in the FIR relating to Sonbarsa
P.S. Case No. 21 of 2020, registered on 28.01.2020 at 10:00 A.
M., are that the son of the informant left his house with empty
gas cylinder, but he did not return. The informant received



information at 1:00 P.M. that his son has been murdered. It has further been alleged that this petitioner has committed murder of his son by firearm. It has further been alleged that earlier first son of the informant was killed by the accused persons named therein and there was pressure upon the informant to compromise the matter and when informant refused to compromise the case all the accused persons named in FIR killed second son of the informant, who was prime witness of the first case.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR. The name of the petitioner has come during the course of investigation in the confessional statement of co-accused Sikander Mukhiya, Son of Mahesh Mukhiya. He further submits that his case is similar to the case of Sikandar Mukhiya @ Sikandra Mukhiya, Son of Kuldeep Mukhiya, who has been granted bail by order dated 24.09.2021 passed in Cr. Misc. No. 38627 of 2021, and he be given the same priority for bail.

Learned counsel appearing on behalf of the State, opposes the prayer for bail. He further submits that the petitioner is a habitual offender and as per paragraph no. 3 of the petition several cases are pending against him. He further



submits that there are several cases of the year 2014 and there is no statement as to whether there is any order of conviction or acquittal in these cases.

Considering the long criminal history and the allegation made in the FIR as well as paragraph nos 14 and 83 of the case diary, the prayer for bail of the petitioner is rejected.

The petition stands dismissed.

The petitioner, if so advised may renew his prayer for bail at the appropriate stage.

(Purnendu Singh, J.)

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