

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9626 of 2020

Arising Out of PS. Case No.-208 Year-2019 Thana- RAGHOPUR District- Supaul

ASHOK KUMAR MUKHIYA, S/o Ramanand Mukhiya, R/o village-
Narayanpur, Ward No. 5, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 16-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 120B of the Indian Penal Code.

As per allegations in the FIR, the son of the informant had gone with Manu Kumar and Chandan Kumar and did not return till morning. It subsequently transpired that he had been shot. It is stated that it transpired that there was some altercation between some persons as a result of which the occurrence had taken place. At the place of occurrence a motorcycle was found which was in the name of Ramanand Mukhia and the same was being driven by the petitioner.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. No incriminating material has transpired in course of investigation to connect him with the alleged crime and there is no eye witness to the occurrence. It is submitted that in course of investigation in the further statement of the informant as also the statement of the witness Kamal Mandal, general and omnibus allegations have been made against all accused persons, which was later improved upon in the supervision report of the police authorities more than two months after the occurrence. The petitioner has remained in custody since 21.10.2019, he has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned APP for the State.

A report was called for with respect to the stage of the trial from the learned Court below. As per the report received as contained in letter dated 3.8.2021 of the learned Addl. District & Sessions Judge VII, Supaul, no witness has been examined on behalf of the prosecution yet.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in



custody for over 1 year 10 months and no witness on behalf of the prosecution having been examined, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 155 of 2020 (arising out of Raghapur P.S. Case no. 208/2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, VII, Supaul.

It is directed that the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non cooperation on the part of the petitioner, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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