

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14438 of 2020

Arising Out of PS. Case No.-132 Year-2019 Thana- RAJEPUR District- East Champaran

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MUKESH KUMAR, S/o Birendra Prasad @ Virendra Bhagat Resident of
Village- Madhuaha Mal, P.S.- Rajepur, Distt- East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the informant	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 30-01-2021 Heard Mr. Ansul, learned Counsel for the

petitioner, Mr. Madhura Nand Jha, learned Additional Public

Prosecutor for the State and Mr. Sanjay Kumar, learned counsel

appearing for the informant.

This application, for grant of regular bail, arises out
of Rajepur Police Station Case No. 132 of 2019, disclosing
offences under Section 302/34 of the Indian Penal Code.

The allegation, as per the First Information Report
is that the petitioner was stabbing the husband of the informant
with the help of knife, co-accused, Rakesh Kumar was holding
his legs, co-accused Kishun Deo Bhagat and Raju Prasad were
holding his hands, co-accused Anand Prasad was assaulting him
by means of iron rod on his head and co-accused Rambabu



Prasad Bhagat was slitting his neck by means of Dabia, due to which the husband of the informant died on the spot.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute. Learned counsel next submits that from perusal of the First Information Report, it would be evident that the petitioner was stabbing the deceased with the help of knife and referring to post-mortem report, annexed to the supplementary affidavit, he submits that no injury caused by knife was found on the person of the deceased and the cause of death, as per the opinion of the doctor, is due to hemorrhage as a result of cutting the main blood vessels of the neck. Learned counsel next submits that the allegation of slitting the neck is upon another co-accused, Rambabu Prasad Bhagat. Learned counsel next submits that the petitioner is in custody since 26.10.2019 and the chargesheet has already been submitted in this case and there is no likelihood that the petitioner will abscond or tamper with the evidence, if he is released on bail.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is a veteran criminal and having criminal



antecedent and is also threatening the informant and other witnesses of dire consequences. He further submits that if the petitioner is released on bail, the safety of the informant and other witnesses will be at peril.

Learned counsel for the petitioner, however, submits that only one case under the Arms Act is pending against the petitioner and he is on bail in the said case.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 26.10.2019 and the chargesheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Mukesh Kumar, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Rajepur Police Station Case No. 132 of 2019.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part



to appear before the Court on two consecutive occasions, his
bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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