

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38627 of 2021**

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

SIKANDAR MUKHIYA @ SIKANDRA MUKHIYA S/o- Kuldeep Mukhiya
Resident of Village- Bhutahi, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 24-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 120(B), 302/34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 28.01.2020 at 10 AM son of informant left his house with empty gas cylinder but he did not return and the informant received information at 1 PM that his son has been murdered at village Mohanpur. The informant has claimed that the FIR named accused persons, including this petitioner, have committed the murder of his son by fire arm. It is further 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 and the



accused persons therein convicted, they killed second son of the informant, who was prime witness of the first case.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the confessional statement of co-accused, Sikander Mukhiya, son of Mahesh Mukhiya. Similarly situated accused Mukesh Kumar, Kripal Mahto and Sanjay Mahto have already been granted bail by a co-ordinate Bench of this court vide order dated 01.03.2021 passed in Cr. Misc. No. 34780 of 2020 along with Cr. Misc. No. 37138/2020. Petitioner is in custody since 15.02.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Additional Chief Judicial Magistrate-IV, Sitamarhi in connection with Sonbarsa PS case No. 21/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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