

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30052 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- SONBERSA District- Sitamarhi

SIKANDAR MUKHIYA @ SIKANDRA MUKHIYA SON OF KULDEEP
MUKHIYA Resident of Village - Bhutahi, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sonbarsa P.S. Case No. 31 of 2020 registered for the offences punishable under Sections 25(1-B)a, 26/35 of the Arms Act.

According to prosecution case, the informant along with other police officials had gone to investigate a case registered under Sections 302, 120B/34 of the I.P.C. and Section 27 of the Arms Act and got secret information that petitioner



along with two other accused committed murder of Anil Kumar by firing. The informant further alleges that two accused persons were apprehended and one accused fled away. Apprehended accused disclosed their name as Sikandar Mukhiya, son of Mahesh Mukhiya and Sikandar Mukhiya, son of Kuldeep Mukhiya. Apprehended accused Sikandar Mukhiya, son of Mahesh Mukhiya made confessional statement and on the basis of confessional statement, police recovered one katta and misfired cartridge from a hut.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. No incriminating article has been recovered from possession of the petitioner. It is further submitted that one Sikandar Mukhiya son of Mahesh Mukhiya was arrested by the police whereas name of petitioner is Sikandar Mukhiya son of Kuldeep Mukhiya. In fact, the petitioner was returning from a relative house on the alleged date of occurrence and police arrested him. Petitioner is in custody since 15.02.2020. Petitioner has got three criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, 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 the learned Chief Judicial Magistrate-I/C, Sitamarhi in connection with Sonbarsa P.S. Case No. 31 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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