

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31926 of 2021

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

SIKANDAR MUKHIYA Son of Mahesh Mukhiya Resident of Village -
Bhuthi, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The allegation against the petitioner and others is that
Police on the basis of secret information that petitioner and
others have committed murder of one Anil Kumar and they are
planning to commit another offence proceeded towards the
place of occurrence and arrested the petitioner and one another
and one person succeeded in fleeing away. It has further been
alleged that petitioner accepted that he committed murder of
Anil Kumar and has concealed country made pistol in a hut
situated near Parsa Mahindra pond and upon search the Police



recovered a country made pistol along with two misfired cartridges.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of his confessional statement only and the fire arm has not been recovered from the conscious possession of the petitioner and the same has been recovered from a hut situated near the pond. She next submits that a separate FIR has been lodged pertaining to the murder of Anil Kumar bearing Sonbarsa P.S. Case No. 21 of 2020 registered under Section 302 / 120(B) / 34 of the IPC in which petitioner is still in custody. She next submits that the petitioner is in custody since 15/02/2020 i.e. about more than 1½ years.

On the other hand, learned counsel for the State submits that on the basis of the confessional statement of the petitioner fire arm has been recovered, which was used in the murder of one Anil Kumar, for which a separate F.I.R., as aforesaid, has been lodged by the Police in which the petitioner is in custody.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that weapon of crime has been recovered by the



Police on the basis of confessional statement of the petitioner, however, a separate F.I.R. has been lodged bearing Sonbarsa P.S. Case No. 21 of 2020 in which the petitioner is in custody and in the present case the petitioner is in custody since 12/02/2020 and the charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner in the present matter.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 31 of 2020 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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