

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38435 of 2021

Arising Out of PS. Case No.-508 Year-2017 Thana- MADHAURAH District- Saran

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MUKESH KUMAR @ MUKESH RAI S/O PURNAMASHI RAI R/O
VILLAGE-SIHORIYA, P.S. MARHOWRAH, DISTRICT SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

2 11-08-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302,120B,34 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegation against FIR named accused including the
petitioner is to have fired upon the husband of the informant as
a result of which he succumbed to injuries.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected vide Annexure 1 series with a
direction to the court below to conclude the trial and if trial is
not concluded within one year, petitioner would be at liberty to
renew his prayer for bail.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Similarly placed co-accused Vijay Kumar, against whom there is similar allegation of firing upon the husband of the informant has already been granted bail by the court below itself. It is further contended that out of six charge sheet witnesses, three of them have been examined and informant and independent witnesses have not supported the prosecution case while third one is official witness. Petitioner has no criminal antecedent and he is in custody since 25.11.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions Trial No.175/18 arising out of Madhaura / Marhaura P.S. Case No. 508/2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

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