

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42521 of 2021

Arising Out of PS. Case No.-63 Year-2019 Thana- BITHAN BAZAR District- Samastipur

AJAY MUKHIYA Son of Japan Mukhiya Resident of Village - Sardehi, P.S. -
Alauli, District – Khagaria ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-12-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 394 and 302 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on the alleged date and time of occurrence while the informant along with his companion, Abhimanyu Kumar Singh and Branch Manager, Ram Pravesh Singh, were returning from village Belahi after collecting money and when they reached near Barhi More four unknown criminals came on two motor cycles and fired upon them of which one shot hit near waist of informant. Abhimanyu Kumar fell down on the ground after sustaining fire arm injury on right side of his back and he was brought to hospital but doctor declared him dead. It is further alleged that the accused persons took away, Rs. 1,45 lacs cash and Samsung tablet of informant.

Learned counsel appearing for the petitioner submits



that petitioner is not named in the FIR. The name of petitioner has surfaced in this case during the course of investigation in the confessional statement of co-accused, Golu Rai and Shamsher Mukhiya. No incriminating article has been recovered from the possession of the petitioner and till date the petitioner has not been put on Test Identification Parade. Petitioner is in custody since 22.09.2020. Investigation in this case is complete. Similarly situated co-accused has already been allowed bail by this Court vide order dated 1.10.2021, passed in Cr.Misc.No. 3154 of 2021.

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 Sub divisional Judicial Magistrate, Rosera, Samastipur in connection with Bithan PS case No. 63/2019.

(Prabhat Kumar Singh, J)

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