

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52481 of 2021

Arising Out of PS. Case No.-95 Year-2019 Thana- BITHAN BAZAR District- Samastipur

Dasrath Mukhiya @ Dashrath Mukhiya, aged about 27 years, male, Son of Narsingh Mukhiya Resident of Village-Khaira Court, P.S.- Bithan, District-Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-12-2021 Heard learned counsel for petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Bithan* PS Case No.95 of 2019, instituted for the offence under Sections 394 and 302 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, charge sheet has been submitted under Section 396 of the I.P.C. and Section 27 of the Arms Act.

Earlier, the prayer for bail of the petitioner was rejected by this Court by order dated 29.06.2020 passed in Cr. Misc. No.



6685 of 2020 vide Annexure-1.

Allegation in the First Information Report is that informant along with his staff was intercepted and fired upon by unknown persons and the staff has succumbed to the injuries.

It is submitted that the co-accused, namely, *Wakil Mukhiya @ Okil Mukhiya* in whose, confessional statement, the petitioner has been implicated has since been allowed bail on 01.07.2021 passed in Cr. Misc. No. 10409 of 2021. The further submission is that he has no criminal antecedents. He has not been put on Test Identification Parade and he is in custody since 19.10.2019. There is also no recovery from the petitioner of any incriminating article.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. 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 1st Additional District and Sessions Judge, Samastipur, in connection with



Bithan PS Case No. 95 of 2019, Sessions Trial No. 45 of 2020,
subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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