

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3593 of 2021**

Arising Out of PS. Case No.-45 Year-2019 Thana- SAKSOHRA District- Patna

MUKHIA KUMAR S/o Mahendra Dhadhi @ Mahendra Ram R/o Village-
Kritichak, P.S.- Bhadaur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Rajesh Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Saksohra P.S. Case No. 45 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 302/201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present FIR has been lodged after the informant found the dead body of his son in a ditch. The informant came to know from his own source that the accused persons named in the FIR have killed his son and threw the dead body.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is submitted that the similarly situated co-accused have been granted anticipatory bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 15250 of 2020, Cri. Misc. No. 23788 of 2020 and Cri. Misc. No. 14997 of 2020. The petitioner has remained in jail since 27.08.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but does not dispute the fact that the similarly situated co-accused have already been granted anticipatory bail.

Having regard to the facts and circumstances of the case wherein it is accepted by learned APP for the State that the case of this petitioner is based on mere suspicion, the similarly situated accused have been in fact granted anticipatory bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 15250 of 2020, Cri. Misc. No. 23788 of 2020 and Cri. Misc. No. 14997 of 2020, the petitioner has remained in jail in connection with the present case for about 8 months, he has otherwise got no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Sri M. Kumar, J.M., 1st Class, Barh (Patna), in connection with Saksohra P.S. Case No. 45 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

