

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.7097 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- SAKRA District- Muzaffarpur

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MUKESH PRASAD SINGH @ MUKESH KUMAR Son of Shree Mahesh  
Pd. Singh Resident of Village- Siho, P.S. - Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2      17-04-2021                      Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within four  
  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned  
  
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail  
  
in connection with Sakra P.S. Cas No. 266/2020 registered for  
  
the offences punishable under Section 302, 120B/34 of the  
  
Indian Penal Code.

As per the prosecution story, the informant alleged  
  
that the son of her sister namely Prabhakar Kumar (deceased  
  
was living at her place and was working in the Life Line  
  
Hospital. On 24.06.2020 all the hospital staff including  
  
Prabhakar Kumar went to bed at about 12:00 at night and at



5:00 A.M. he was found missing from his bed. In the meantime, a dead body was found near the railway line which was of Prabhakar Kumar. She alleges that there were stab mark of knife on several parts of the body. She further alleged that prior to the alleged occurrence Rupesh Kumar and Kanhai Kumar had gone to the hospital for the treatment of the wife of Rupesh Kumar and two days thereafter they threatened Prabhakar Kumar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the First Information Report was registered against two named accused (Rupesh Kumar and Kanhai Kumar), for the first time the name of the petitioner and the co-accused Praful Chandra @ Dr. Binay Kumar was taken by one hospital staff namely Dharmendra Kumar alleging that the petitioner was also there in dragging the deceased outside, the submission being that the said witness Dharmendra Kumar has changed his statement under Section 161 and 164 Cr.P.C., moreover, there is no eye witness to the alleged occurrence,



petitioner has no criminal antecedent and learned Additional Sessions Judge -1<sup>st</sup>, Muzaffarpur has rejected the prayer for bail of the petitioner saying that earlier the prayer for bail of co-accused Praful Chandra @ Dr. Binay Kumar had been rejected by the same court, the case of Praful Chandra @ Dr. Binay Kumar is said to be on similar footing with the present petitioner as has been observed by the learned A.D.J. - I, Muzaffarpur. Learned counsel points out at this stage that the said Praful Chandra @ Dr. Binay Kumar has been granted privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 1167/2021 vide order dated 10.03.2021, therefore the petitioner being similarly situated deserves privilege of bail, considering all the submissions, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 4<sup>th</sup>, East Muzaffarpur, in connection with Sakra P.S. Case No. 266/2020, G.R. No. 2634/2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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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'.

