

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6953 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sri Bhagwan Mukhiya Son of Gopal Mukhiya Resident of Village- Hasuaha,
P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Alka Pandey, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offence punishable under Section 302/34 of
the Indian Penal Code and 27 of Arms Act.

The prosecution case, in short, is that on 12.01.2021,
at 12:30 hours, the accused persons came at informant's house.
The accused persons Pappu Mukhiya having country made
pistol, Ashok Mukhiya having sword, Gagan Mukhiya having
sword, Pravesh Mukhiya having country made pistol in his
hands and thereafter accused Pappu Mukhiya fired over the



deceased at his chest and he died immediately thereafter Pravesh Mukhiya and Pappu Mukhiya fired and all accused persons fled away from the place of occurrence and after that co-villagers informed to the police on phone and the police reached at the place of occurrence. The informant further alleged that one week before the incident the daughter Pushpa Kumari who is cousin of accused Pappu Mukhiya had fled away alongwith the son Samu Mukhiya of the informant to Nepal.

Learned counsel for the petitioner submits that petitioner is innocent, falsely implicated in this case and there is no specific allegation against the petitioner in the F.I.R. It is further stated that the direct and specific allegation against the two accused namely, Pappu Mukhiya and Pravesh Mukhiya, who fired over the deceased at his chest and as a result thereof he died. Learned counsel for the petitioner submits that the postmortem report suggest the cause of death of deceased Krishna Mukhiya because of gun-shot injuries, which allegation is attributed to co-accused Pappu Mukhiya, who fired on the deceased. It is submitted that the main reason for false implication of the petitioner in this case is that the son of deceased namely, Samu Mukhiya had abducted the minor girl aged about 15 years daughter of the petitioner, Sri Bhagwan



Mukhiya on 08.01.2021 and went to Nepal and committed illegal acts with her and the wife of the petitioner had lodged F.I.R. The petitioner is in custody since 22.11.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari in connection with Mufassil P.S. Case No. 25 of 2021.

(Khatim Reza, J)

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