

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8732 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- UCHKAGAON District- Gopalganj

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MUKUL RAI@ NIRAJ KUMAR SINGH Son of Late Giridhar Gopal Singh
Resident of Village - Koreya, P.s.- Bhorey, Distt.- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Satyendra Rai
For the State	:	Mr. Jitendra Kumar Singh
For the Informant	:	Mr. Ashish Giri
		Mr. Rajat Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 302 &
120B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

While the informant along with Shambhu Mishra



was at Bravnath Kishan Bhawan, the petitioner along with other criminals came there by motorcycle and started firing upon Shambhu Mishra by Desi Pistol and sustaining injury he fallen on the ground and declared dead during course of treatment.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics and group rivalry. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that after thorough investigation the C.I.D. has submitted final form/report on 17.10.2020 and differing with the report of the police, the learned C.J.M. has taken cognizance against the petitioner in mechanical manner without appreciating the evidence collected during investigation.

Learned APP for the State assisted by learned counsel for the informant vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Uchkagaon P.S. Case No. 132 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to further condition that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of



trial, failing which the prosecution will be at liberty to move
cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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