

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11642 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- NAUTAN District- West Champaran

Subh Narain Kumar Mukhiya @ Subhan Narayan Kumar Mukhiya @ Shubh Narayan Kumar Mukhiya, Son Of Late Doma Mukhiya, Resident Of Village- Laxmipur, Police Station- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 25.09.2021, seeks regular bail in connection with Trial No. 4996 of 2021 arising out of Nautan P.S. Case No. 366 of 2021 registered for offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

As per the allegation made in the FIR, one country-made *Katta* and one live cartridge of .315 bore were recovered from the waist of the petitioner. It is further alleged that petitioner was in possession of one Hero Splendor motorcycle.



Learned counsel appearing on behalf of the petitioner submits that Hero Splendor motorcycle belongs to the petitioner. A false allegation has been made by showing that one *Katta* and a live cartridge have been recovered from the possession of the petitioner. Petitioner has clean antecedent and he is in custody since 25.09.2021. There is no chance of absconding or tampering and hence petitioner deserves to be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner, petitioner has made a specific statement that the alleged motorcycle which has been recovered from his possession is registered in his name and to that effect he has also filed an affidavit before the concerned authority, charge-sheet has already been submitted, there being no allegation of tampering the evidence or influencing the witnesses and the trial is also not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, District- West Champaran in connection with Trial No. 4996 of 2021 arising



out of Nautan P.S. Case No. 366 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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