

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10805 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- BALTHAR District- West Champaran

ARJUN MUKHIYA @ ARJUN KUMAR Son of Khedaru Mukhiya Resident
of Village- Basantpur, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Balthar
P.S. Case No. 100/2021 registered for the offences punishable
under Sections 393/34 of the Indian Penal Code and Section
37(c) of the Bihar Prohibition and Excise Act.

As per prosecution case, the allegation against the
petitioner alongwith other accused persons is of assaulting the
informant and tried to rob his motorcycle in the state of
drunkenness. The petitioner was not apprehended on the spot
and his name has surfaced on the basis of confessional statement
of co-accused, namely, Ranjeet Sah and Vikash Kumar who



were apprehended on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that no T.I. Parade was conducted and the name of petitioner has surfaced on the basis of confessional statement of co-accused, namely, Ranjeet Sah and Vikash Kumar. The petitioner is languishing in custody since 22.09.2021 and bears criminal antecedent of four cases of similar nature in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge has already been submitted, petitioner was not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise, Bettiah, West Champaran in connection with
Belthar P.S. Case No. 100/2021, subject to following
conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
would be a ground for cancellation of bail by the learned Trial
court itself.

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

(Alok Kumar Pandey, J)

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