

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27599 of 2021**

Arising Out of PS. Case No.-261 Year-2019 Thana- SONBERSA District- Sitamarhi

SIKANDAR MUKHIYA Son of Mahesh Mukhiya Resident of Village -
Bhuthi, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

7 24-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 18.02.2020,
seeks regular bail in connection with Sonbarsa P.S. Case No.
261 of 2019 for the offence punishable under Section 394 of the
Indian Penal Code.

The prosecution case, in brief, is that the F.I.R. was
registered against known. Allegedly three miscreants had
intercepted the informant and after having assaulted him with



butt of a pistol, looted cash worth Rs.1,50,000/-.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged. Petitioner is not named in the F.I.R. Neither any incriminating article has been recovered from his possession nor he has been put on T.I. parade. Similarly situated co-accused namely Sikandar Mukhiya @ Sikandra Mukhiya, Son of Kuldeep Mukhiya has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 26.05.2021 passed in Cr. Misc. No. 23984 of 2021 and another accused Chandan Kumar has also been granted bail vide order dated 22.02.2021 passed in Cr. Misc. No. 35727 of 2020. Petitioner is in custody since 18.02.2020.

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

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, neither any incriminating article has been recovered from his possession nor he has been put on T.I. parade, there is no allegation of tampering with the evidence or influencing the witnesses and the trial is not likely to be completed soon due to COVID-19, the petitioner, above named, is directed to be



enlarged on bail 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 CJM, Sitamarhi in connection with Sonbarsa P.S. Case No. 261 of 2020, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every week on Tuesday at 9 AM till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his



**monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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