

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26574 of 2022

Arising Out of PS. Case No.-534 Year-2020 Thana- NARPATGANJ District- Araria

Mukesh Kumar Son of Kameshwar Yadav Resident of Village - Bhaura
Kabiyahi (Ram Nagar), Ward No.7, P.s.- Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Narpatganj P.S. Case No. 534 of 2020 lodged under Sections
302, 201, 120(B), 34 of the I.P.C.

As per the prosecution case, the informant has
disclosed that 2 named accused persons out of 6 came to the
informant's house and told to his brother to keep his cycle at the
house itself and come with his Glamour Motorcycle. Thereafter,
all the 3 persons went by the said motorcycle. It has been stated
that in the night, when informant's brother has not come, then
the mother of the informant visited to the house of accused
Abhijeet but his brother was not available there. Then he

received information that his brother went to the house of brother-in-law of Abhijeet. It has been alleged that at about 11 AM, the dead body of the informant's brother was identified on mobile. Informant reached the police station from where the dead body was sent for post-mortem and thereafter, the present case has been filed against 7 named accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that allegation made in the F.I.R. is wrong. He further submits that there is no material available against the petitioner and he has unnecessarily been harassed by the police. Counsel further submits that petitioner has not participated in any occurrence. Counsel for the petitioner further submits that petitioner is in custody since 30.10.2021 having 4 criminal antecedent. Counsel submits that petitioner is in bail in some cases and in some cases he is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that the present petitioner is the last seen person of the deceased being the brother-in-law of Abhijeet. Upon query, counsel for the petitioner submits that charge has already been framed in this case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 534 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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