

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28189 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- HASANPUR District- Samastipur

Kavita Devi Wife Of Deepak Mukhia R/O Village/Mohalla- Godah, P.S.-
Hasanpur, District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 328 r/w Section 34 of
Indian Penal Code.

According to prosecution case, as per F.I.R., one
Radha Devi has given a written application to the officer-in-
charge Hasanpur PS stating therein that her son namely Sameer
Mukhiya has been threatened by her villagers namely Deepak
Mukhiya, Kavita Devi and Lantun Mukhiya two months before
that her son is in love with their daughter. They have asked her
to send her son some where else otherwise he would be killed.



On 19.12.2021 her son has been called by them and did not return the whole night. On 20.12.2021 she came to know that dead body of her son is lying in the closed house of Laxmi Mukhiya. He has been killed by strangulation. She has got information that Jogni Devi, Pappu Mukhiya and Mohan Mukhiya all have called her son and given him poisonous substance to drink and killed him by strangulation and thrown his body in the closed house of Laxmi Mukhiya.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner rather suspicion has been raised against six persons including the petitioner without any cogent reason and during investigation no cogent material has come against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hasanpur P.S. Case No. 258 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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