

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33194 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

Ranjeet Mukhiya Son of Lakshman Mukhiya Resident of Village - Bhutahi,
P.s.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, in brief, is that the first son of the informant was killed earlier by some of the co-accused persons named therein and there was a pressure upon the informant to compromise the matter and when the informant refused to compromise that case and accused persons therein were convicted, the petitioners along with other accused persons



eleven in numbers, killed another son of the informant, who was the prime witness in the first case. It has further been alleged that on the date of occurrence, the petitioners and others were seen moving around the village on motorcycle and on other vehicles and the son of the informant was found dead having bullet injury at about 1:00 PM afternoon.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Sikander Mukhiya. He further submits that nothing has come during investigation against the petitioner and similarly situated co-accused person namely Sikander Mukhiya @ Sikandra Mukhiya has been granted bail by a Coordinate Bench of this Court vide order dated 24.09.2021 in Cr. Misc. No. 38627 of 2021 and another co-accused persons namely Mukesh Kumar @ Mukesh Mahto has been granted bail by a Coordinate Bench of this Court vide order dated 01.03.2021 in Cr. Misc. No. 34780 of 2020 and another co-accused persons namely Kripal Mahto and Sanjay Mahto have been granted bail by a Coordinate Bench of this Court vide order dated 01.03.2021 in



Cr. Misc. No. 37138 of 2020 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.09.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 36 of 2021 arising out of Sonbarsa P.S. Case No. 21 of 2020, with 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 witness, 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 antecedents, 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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