

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40271 of 2022

Arising Out of PS. Case No.-210 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mukko Sah @ Mukesh Sah, Son of Bhagwan Sah, Resident of village-
Hasanganj, P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Brij Nandan Prasad, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kotwali (Tilkamanjhi) P.S. Case No. 210 of
2020 registered for the offences punishable under Sections 341,
323, 307, 364, 328/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case is based on the fardbeyan of the
informant alleging there in that while he was returning to his
house along with his brother-in-law, in the meantime, all the



accused persons pulled him, out of the Auto Rickshaw and kidnapped with intention to kill. It is further alleged that co-accused Deepak Yadav injected some substance and Chattu Das put his handkerchief on his nose, due to which he became unconscious. When he regained his consciousness, he found himself in Diyara where co-accused Rakesh Sah shot him twice, due to which he sustained grievous injuries.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that specific allegation of firing has been attributed against Rakesh Sah and so far the petitioner is concerned, the only allegation against him is that he verified as to whether the injured (informant) is alive or not. He next submits that in fact the injured (informant) is a man of having criminal antecedent and because of some dispute, a free fight had taken place amongst them due to which he sustained injuries, however, later on realizing this fact the informant filed a petition stating therein that he does not want to proceed with the matter. He lastly submits that the petitioner is in custody since 25.01.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the



petitioner is also found involved in one another case of similar nature.

Regard being had to the submissions made on behalf of the parties and considering the fact and the nature of allegation leveled against the petitioner and the period of incarceration as well as the fact that investigation of the crime is already complete and charge sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 210 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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