

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52471 of 2021**

Arising Out of PS. Case No.-296 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mukesh Kumar @ Mukesh Yadav, Son Of Rajo Yadav R/O Village- Sikendra
Pur, P.S.- Begusarai Muffasil, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 31-03-2022 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 the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Begusarai
Muffasil P.S. Case No. 296 of 2021 registered for the offence
under Sections 302/34 of the IPC and also Section 27 of the
Arms Act.

As per allegation in the FIR, the petitioner along with
other accused persons assaulted the son of the informant and his
friend namely Bittu Kumar and they also made fire upon the
son of the informant due to which he fell down and in the way



to hospital he died.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it appears from the FIR that specific allegation of firing against co-accused Pappu Yadav. He further submits that there is general and omnibus allegation against this petitioner and other co-accused persons. He further submits that post-mortem report itself reveals that there is no injury except the fire arm injury on the body of the deceased. The police after investigation submitted charge-sheet against the petitioner and other accused persons. Petitioner is rotting in judicial custody since 09.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned CJM, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 296 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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