

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58940 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- BIRPUR District- Supaul

SANTOSH MUKHIYA Son of Paachu Mukhiya Resident of Village- Sitapur,
P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and Mr.
Mohammad Sufyan, learned A.P.P. for the State.

The petitioner seeks bail in connection with Birpur
P.S. Case No. 192 of 2020 instituted for the offences under
Sections 302, 201, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.04.2020 is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the First Information Report has alleged that on
01.09.2020 the informant received an information that his son
Anand Kumar has been killed, whereupon he reached at the
place of occurrence and saw the dead body of his son. On
enquiry, the informant came to know that his son had gone with



co-accused Dilip Mandal, Santosh Mukhiya and Chhotu Gupta to the house of Niraj Kumar and Mukesh Kumar, who are brother-in-law of co-accused Dilip Mandal and all the accused persons committed murder of the son of the informant.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the First Information Report, it would manifest that the petitioner is not named in the First information Report, further the informant is not an eye witness to the occurrence and has not disclosed the source of information that is from where he got information that his son accompanied by the accused persons mentioned in the First Information Report and at best, it is the case of last seen of the deceased with the named accused persons in the First Information Report. It is further submitted that postmortem report also shows no injury on the person of the deceased and the doctor has reserved the opinion as Viscera was sent for medical examination. It is further submitted that co-accused, namely, Niraj Mandal 2 Niraj Kumar and Mukesh Kumar @ Mukesh Kumar Mandal have been granted bail by order dated 29.07.2021 passed in Cr. Misc. No. 26352 of 2021 and co-accused, namely, Budhsen Mandal and Dilip Mandal have been granted bail by order dated 22.11.2021 passed in Cr. Misc. No.



27320 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 08.04.2020, is a person with clean antecedent, charge-sheet has been submitted in the case and co-accused persons have been granted bail, 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 Additional District and Sessions Judge – vth, Supaul in connection with Birpur P.S. Case No. 192 of 2020.

(Satyavrat Verma, J)

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