

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62555 of 2021

Arising Out of PS. Case No.-7 Year-2019 Thana- DUMARIYA District- Gaya

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MUKESH KUMAR @ MUKESH KUMAR BHOKTA @ MUKESH SINGH
BHOKTA Son of Raj Kumar Singh Bhokta R/o Village - Kokna, P.O.- Pipra,
P.S.- Dumaria, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-03-2022 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 a case registered for the
offence under Sections 147, 148, 149, 341, 323, 504, 452 and
436 of the Indian Penal Code and Section ¾ of the Explosive
Substance Act and Sections 16, 18, 20 and 23 of the U.A.P. Act.

The prosecution case, in short, is that the informant
submitted a written report stating therein that on 27.03.2019
about 11.30 p.m., 50-60 unknown Naxals have put a Purcha and
damaged his house by means of explosive.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in connection with the present case. It is further submitted that name of the petitioner transpired on the basis of the confessional statement made before the police by co-accused persons, namely, Tuntun Singh Bhokta, Satyendra Singh Bhokta and Ashok Singh Bhokta, which has no evidentiary value. It is further submitted that except the confessional statement, nothing has come against the petitioner. It is further submitted that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court as stated in paragraph-9 of the bail petition. It is further submitted that the petitioner has no criminal antecedent and he is in custody since 07.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Court below where the case is pending in connection with Dumariya P.S. Case No. 07 of 2019 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 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.

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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