

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67975 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- BARGAINIA District- Sitamarhi

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MUKESH PATHAK @ MUKESH JHA @ MUKESH KUMAR Son of
Shankar Das @ Shankar Das Jha Resident of Village - Purnahiya Chandan
Dih, P.S.- Purnahiya, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2022 Heard learned senior counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 302 and 34 of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that
the petitioner is in custody since 06.09.2021, is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The informant alleges that she along with her son
(deceased) had gone to Bairgania to meet her sister, further the
deceased after leaving the informant at her sister's place went to
buy water bottles, further the informant heard sound of firing on



which she came to the place of occurrence and saw the named accused persons along with 3-4 unknown criminals, whom she claims to identify after seeing, had surrounded the deceased and were firing indiscriminately. It is further alleged that the deceased in order to save his life entered in Raj Hotel and the informant seeing that the accused were firing at her son fell and became unconscious and thereafter she was informed that her son has been killed. The informant further alleges that four days ago Manoj Gupta, Bam Shankar Chaudhary and 3-4 unknown persons had come to her house and threatened her that her son will not see Holi, further her son was a member of Bajrang Dal and had supported the candidate of NDA against the candidate of Congress and thus accused had enmity with him.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case during the course of investigation as petitioner is not named in the F.I.R. nor the informant is an eyewitness to the occurrence. It is also submitted that the informant in the F.I.R. has clearly stated that she would identify the unknown accused if she sees them but the petitioner despite being in custody was not put on TIP. Further the co-accused Ajay Kumar Singh has been granted bail vide order dated 24.03.2022 in Cr. Misc. No. 56170 of



2021.

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

Considering the fact that the petitioner is in custody since 06.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, he is not named in the F.I.R. nor he was put on TIP, 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 the learned court below where the case is pending/successor court in connection with Bairganiya P.S. Case No. 46 of 2021.

(Satyavrat Verma, J)

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