

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2909 of 2023

Arising Out of PS. Case No.-441 Year-2018 Thana- ALOULI District- Khagaria

GURUDEO MUKHIYA Son of Baldeo Mukhiya Resident of village -
Manikchak, Ukhraura, P.S.- Alauli (Bahadurpur), District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 302, 379, 504 and
34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused assaulted the father-in-law of the
informant causing his death and also snatched Rs.30.000/-.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that the date of occurrence as per F.I.R. is
18.12.2018 but the present F.I.R. has been instituted on
23.12.2018, after delay of five days, without giving any



explanation of delay. He further submits that on the date of occurrence, the victim was not taken to hospital for treatment which demonstrates that no such occurrence took place as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and co-accused persons namely, Jitendra Mukhiya and Umesh Mukhiya have been granted anticipatory bail vide order dated 05.12.2022, passed in Cr. Misc. No. 38378 of 2022. The police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Alauli (Bahadurpur) P.S. Case No. 441/2018, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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