

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4059 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- PIPRAKOTHI District- East Champaran

LAKHINDRA MUKHIYA @ LAKHINDRA BIN Son of Late Yogi Mukhiya
R/v- Jagir Karariya, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-05-2023 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Piprakothi P.S. Case No. 35 of 2020, registered for the offences punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant Nutan Kumari is wife of the injured Nirala Kumar Pandey. She has stated that unknown persons fired shot at her husband.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is a person of clean antecedent. He has submitted further that in paragraph no. 17 of the case diary, the statement



of injured Nirala Kumar Pandey was recorded. He has stated that co-accused Chhotan Singh @ Ravishankar had fired shot on him. He has also submitted that the injured had suspicion on the petitioner that in a deep conspiracy, he had called him. Co-accused Chhotan Singh @ Ravishankar wanted to grab the pond occupied by the injured.

On the other hand, the learned counsel for the informant as well the learned APP have opposed the prayer for bail and submitted that the petitioner has been named by the injured his statement recorded in paragraph no. 17 of the case diary and he has stated that the petitioner instigated him to come at the place of occurrence. As such, he was also involved in that occurrence and the petitioner has confessed his guilt.

Considering the above-mentioned facts and circumstances specially the fact that the petitioner is not assailant, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Motihari East Champaran in connection with Piprakothi P.S. Case No. 35 of 2020, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of



trial and make himself available as and when
required by the court.

- (ii) The petitioner shall cooperate in the disposal of
trial and make himself available on each and every
date of trial. In case of failure on two consecutive
dates without any valid reason, the learned court
below will be at liberty to cancel the bail bond of
the petitioner.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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