

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8185 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- JOGAPATTI District- West Champaran

Subhash Kumar @ Subhash Mukhiya Son of Chokat Mukhiya @ Ramyad
Mukhiya R/o Mangalpur, P.S- Srinagar, dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Yogapatti P.S. Case No. 461 of 2022 lodged under Sections 413
and 414 of the I.P.C. read with Sections 25(1-b)a, 26 and 35 of
the Arms Act.

As per the prosecution case, the allegation of recovery
of arms from the possession of the petitioner is there in the
F.I.R.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.08.2022 and about nine months
have already been lapsed. Counsel submits that there is one

criminal antecedent of the petitioner in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is in custody since more than nine months.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 461 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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