

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16041 of 2023**

Arising Out of PS. Case No.-282 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

RAM SAKAL MUKHIYA @ GOLIA MUKHIYA Son of Late Ram Nandan Mukhiya Resident of Village- Kumhra Bishanpur, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      27-06-2023                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Runisaidpur P.S. Case No. 282 of 2022 registered for the offence under Sections 457, 380 and 411 of the Indian Penal Code.

The unknown thieves are alleged to have broken the almirah and committed theft of clothes, silver and cash of Rs. 25000/- from the house of the informant.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been



named in the F.I.R., however, his name transpired in this case during course of investigation in the reinstatement of the informant. He further submits that petitioner happens to be a labourer and he was engaged in painting work in the house of the informant and due to dispute arose between them with respect to wages, this false case has been lodged against the petitioner. He further submits that on the suspicion being raised by the informant, the police raided the house of the petitioner and recovered some old clothes, one mobile and cash of Rs. 500/- and also 2 nose pins but the prosecution has not put the articles on T.I.P. till date. Nothing incriminating as alleged in the F.I.R. has been recovered from the house or conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Sitamarhi in connection with Runisaidpur P.S. Case No. 282 of 2022 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 canceled 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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