

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10603 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- PHULWARIA District- Begusarai

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MUKESH YADAV @ MUKEH KUMAR S/O NAGO YADAV Resident of
Village- Baro, P.S.- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
10.07.2022, in connection with Phulwaria P.S. Case No. 114 of
2022, F.I.R. dated 09.07.2022 registered for the offences
punishable under Sections 120(B)/302/34 of the Indian Penal
Code and Sections 27(iii) of the Arms Act.

3. As per F.I.R. the allegation against the accused
persons including the petitioner is that in criminal conspiracy
they murdered the husband of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from a bare perusal of the
F.I.R. it appears that there is no allegation of any assault or overt



act attributed against the petitioner and the informant is not an eye witness of the alleged occurrence and the deceased was last seen with co-accused person namely Aman Kumar @ Godu Singh @ Golu Singh. He further submits that that it is alleged in the F.I.R. that the petitioner was accompanied with Aman Kumar @ Golu Singh and there is strong suspicion that the petitioner and other co-accused person might killed the deceased. Learned counsel for the petitioner further submits that except suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Abhishek Singh @ Abhishek Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 20.06.2023 passed in Cr. Misc. No. 14194 of 2023, another co-accused namely Aman Kumar @ Godu Singh @ Golu Singh who is last seen with the deceased has been granted bail by a Coordinate Bench of this Court vide order dated 10.04.2023 passed in Cr. Misc. No. 64041 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.07.2022.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from the supplementary affidavit that the petitioner is on bail.

6. Considering the facts and circumstances of the case, 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 learned A.C.J.M. 1st, Begusarai in connection with Phulwaria P.S. Case No. 114 of 2022, , 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 witness, 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 antecedents, 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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