

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14441 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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KIRAN DEV MUKHIYA @ MOHAN MUKHIYA S/O RAJ KISHORE
MUKHIYA R/V- Tilleshwar, P.S.- K.Asthan, (Tilleshwar O.P.), District-
Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with K. Asthan P.S. Case No. 185/2022 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 20.05.2022 when she were going with her daughter to Khalihan and reached there, in the meantime, the petitioner and others armed with pistol, rifle came there and fired in air and attempted to loot the maize crops. When she protested then Kirandev Mukhiya ordered Ram Darash Yadav to



shoot the informant then Ram Darash Yadav fired with rifle which hit the informant's daughter on her right chest.

Learned counsel for the petitioner submits that it is a case of false implication to malign the reputation of the petitioner. Learned counsel submits that petitioner had given the order to the main accused Ram Darash Yadav, however he has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he had given the order to the main accused Ram Darash Yadav, the submission being that it is case of false implication to malign the reputation of the petitioner, he has otherwise no criminal antecedent, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga in connection with K. Asthan P.S. Case No. 185/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



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.

(Rajeev Ranjan Prasad, J)

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