

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18146 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- BIBHUTIPUR District- Samastipur

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MUKESH KUMAR @ MUKESH KUMAR MISHRA SON OF LATE RAM
PRASAD MISHRA @ RAMU MISHRA RESIDENT OF VILLAGE -
GANGAULI, P.S. - BIBHUTIPUR, DISTT. - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mrs. Rina Sinha

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 03-08-2023
1. Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
 2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
 3. The petitioner has preferred this application for grant of regular bail in connection with Bibhutipur P.S. Case No. 411 of 2022 dated 3.11.2022 registered for the offence punishable u/s 302 of the Indian Penal Code.
 4. As per the prosecution case, some unknown miscreants are alleged to have committed murder of the informant's father with sharp edged weapon and by smashing



his head with heavy object. Further, it is also alleged that one hammer has also recovered from the house of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is not named in the FIR. His name has sprung up in the self-confessional statement. There is recovery of hammer from the house of the petitioner but the allegation is that the father of the informant was murdered by a sharp edged weapon. Learned counsel has further submitted that no confessional statement of the petitioner was recorded in presence of independent witnesses. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 21.12.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Rosera, District-Samastipur in connection with Bibhutipur P.S. Case No. 411 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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