

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21228 of 2023

Arising Out of PS. Case No.-63 Year-2019 Thana- BITHAN BAZAR District- Samastipur

Anil Kumar Mukhiya @ Anil Mukhiya, S/o Munni Lal Mukhiya, Resident of
village-Sardahi, Police Station-Alauli, District-Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bithan P.S. Case No. 63 of 2019 registered for the alleged offences under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, informant and his colleagues were returning after collecting money on behalf of their financial company when four miscreants on two motorcycles suddenly opened fire on them one such shot hit the informant in his left waist. He and his Branch Manager fled away from their vehicle and concealed themselves in a sugarcane field. Another colleague of the informant fell down on the road after receiving gun shot injuries. The miscreants fled away from the spot taking away Rs. 1,45,000/- and a tablet of



Samsung. The colleague of the informant was declared brought dead by the doctor when he was taken to the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Golu Kumar. Except for this confessional statement, nothing has been brought on record during investigation by the police against this petitioner. No Test Identification Parade has been conducted till date. Learned counsel further submits that even in the confessional statement there is no allegation of any overt act against this petitioner. Similarly placed co-accused persons, namely, Md. Rashid and Ajay Mukhiya have been granted bail by the High Court vide order dated 01.10.2021 passed in Cr. Misc. No. 3154 of 2021 and order dated 10.12.2021 in Cr. Misc. No. 42521 of 2021, respectively. The petitioner is in custody since 05.11.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent of similar nature. Learned APP further submits that in the robbery committed by this petitioner and others they shot dead one innocent person.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the lack of substantive material against the petitioner and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera at Samastipur/court concerned in connection with Bithan P.S. Case No. 63 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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