

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22647 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- TANKUPPA District- Gaya

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MUKESH KUMAR @ MUKESH YADAV S/O SURESH YADAV Resident
of Village- Khabra, P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with

Tankuppa P.S. Case No. 140 of 2022 registered for the

offence under Sections 341, 323, 307, 504, 354, 506/34 of

the Indian Penal Code and later on Section 302 of the Indian

Penal Code has been added.

The petitioner along with his companions are

alleged to have assaulted the brother-in-law of the informant

by means of iron rod, khanti, and lathi. The petitioner more

specifically gave iron rod blow over the head of the victim

causing him deadly injury and died during course of



treatment.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is land dispute between the parties and on account of the same, the petitioner has been made accused in this case with false and fabricated accusation. He further submits that in fact, in an altercation between the parties, both the parties sustained injuries for which case and counter case have been lodged by both the parties. Moreover, co-accused, Arvind Yadav who has assaulted the deceased and another co-accused, Sarju Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.06.2023 passed in Cr. Misc. No. 15071 of 2023 and 20.06.2023 passed in Cr. Misc. No. 14885 of 2023. 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 21.10.2022.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner and the postmortem report



also supported the allegation as alleged in the F.I.R. and the trial has begun.

A report with regard to present stage of the trial has been called for by this Court vide order dated 17.07.2023 which has been received and forms part of this application at Flag-R dated 24.07.2023. On perusal thereof, it would reveal that out of eight prosecution witness, only one witness has been examined by the prosecution witness.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 21.10.2022.

Considering the facts and circumstances of the case and the present stage of the trial and also the fact that the co-accused has been granted bail by a co-ordinate Bench of this Court, 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 J.M.-1st, Class, Gaya in connection with Tankuppa P.S. Case No. 140 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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