

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28245 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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ASHOK MUKHIYA SON OF GAGANDEV MUKHIYA R/O VILLAGE-
HASHUAHA, P.S.- MUFFASIL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

4 19-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 302 read with section
34 of the IPC and 27 Arms Act.

As per the prosecution case, the informant along with
her husband, namely Krishna Mukhiya was sleeping in her hut,
in the meantime, the petitioner and the co-accused persons
forming an unlawful assembly and holding weapons came and
shouted where Krishna Mukhiya was, then the informant came



out from her hut and the co-accused Gagan Mukhiya started abusing her and the petitioner Ashok Mukhiya ordered to grab her. Thereafter, the co-accused Pappu Mukhiya opened fire with the gun on the chest of the husband of the informant, due to which the husband of the informant succumbed to the injuries.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The main allegation of firing is against the co-accused Pappu Mukhiya. The allegation against the petitioner is only to order to catch hold of the informant. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

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

Considering the aforesaid facts and circumstances of the case as well as the nature of the allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 25 of 2021, G.R. Case No. 381 of 2021, subject to



conditions as laid down under section 438(2) of the Code of Criminal Procedure.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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