

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34926 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- DEODHA District- Madhubani

Vijai Mukhiya @ Bijuliya @ Vijay Mukhiya Son of Lakashmeshwar Mukhiya
@ Ladameshwar Mukhiya Resident of village- Pithwa Tola, P.S. - Deodha,
Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Deodha P.S. Case No. 29 of 2022 dated 28.03.2022, instituted
for the offences punishable under Sections 307/34 of the Indian
Penal Code and Section 27 of Arms Act.

3. As per allegation, some miscreants attacked the
informant when he was returning to his house along with his
friend Sudhesh Bhandari on which he inflicted gun-shot injury.
It is further stated that the co-accused, namely, Sujeet Yadav had
taken a loan of Rs. 25,000/- from the informant and on demand
of due amount, he had abused and threatened to kill the
informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that petitioner is neither named in the F.I.R. nor identified by the petitioner. Only on the basis of confessional statement of co-accused, namely, Sujeet Yadav, petitioner has been made accused in this case. It is further submitted that Sujeet Yadav has been granted bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 12917 of 2023. Lastly, it has been submitted that the petitioner is in custody since 04.07.2022 have two criminal cases against him and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Madhubani in connection with Deodha P.S. Case No. 29 of 2022, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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