

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32052 of 2023

Arising Out of PS. Case No.-443 Year-220 Thana- MINAPUR District- Muzaffarpur

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MUKESH KUMAR SHARMA @ MUKESH THAKUR son of Kantu
Sharma @ Kantu Thakur Village- Mustafaganj, Ps- Minapur Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, when the father victim (Rahul Kumar) came in his house and asked whereabouts of his son, his wife told him that about 7 P.M., the victim went along with one person on his motorcycle. On 12.11.2020, the informant received an informant that the dead body of his son was lying in a jungle at Jhitkahia Bandh. The informant went there and found the dead body of his son having firearm injury over his head.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case merely on the basis of suspicion. Neither the petitioner is named in the F.I.R. nor any incriminating article has been recovered from his conscious possession. It is further submitted that the statement of the informant was recorded after six months of the incident and no consistent evidence has come against the petitioner. The specific role in this case of co-accused namely, Nikhil Shahi who has already been enlarged on bail by another co-ordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 55017 of 2021. Petitioner is languishing in judicial custody since 19.12.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Muzaffarpur in connection with Minapur P.S. Case No. 443 of 2020 on following conditions:-

(1) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or threaten the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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