

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33995 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- LAUKAHI District- Madhubani

=====

LALAN MUKHIYA @ LALAN KUMAR S/o- NAND KISHOR MUKHIYA
Village- Chhajana Ps- Laukahi (Narahiya OP) Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Laukahi (Narahiya O.P.) P.S. Case No. 26 of 2023, G.R. No. 155
of 2023 registered for the offences punishable under Sections
25(1-b)a/26 of Arms Act.

As per prosecution case, there is alleged recovery
of one country made Katta from the bed of the petitioner.
Petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.01.2023. Petitioner bears one
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the
prosecution evidence. Learned counsel further submits that



petitioner is quite innocent and has committed no offence as alleged in the F.I.R. There is no compliance of Section 100 of the Cr.P.C. There is no independent witness to the alleged occurrence. The petitioner has falsely implicated in the present case due to dirty village politics. No incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur, District Madhubani in connection with Laukahi (Narahiya) P.S. Case No. 26 of 2023 (corresponding to G.R. No. 155 of 2023), subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

