

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45526 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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MUKESH RABANI @ MUKESH RAWANI @ MUKESH KUMAR @
MUKESH SINGH @ AMRESH KUMAR Son of Rajendra Prasad Resident
of Village - Pipara, P.S.- Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheikh Arkan Ahmad, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the

petitioner and the learned APP for the State, Ms.

Anita Kumari.

The petitioner seeks regular bail in connection with Magadh Medical P.S. Case No. 205/2021, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution, according to the fardbeyan of the informant, is that on 3.8.2021 at about 13:24 pm., the informant got a telephonic information that his father had been killed by some unknown persons near Harshita Jeweler, Siyadi, Cheraki Road, Gaya, whereafter the



informant had reached at the postmortem house, Magadh Medical College & Hospital, Gaya and found his father dead.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.5.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in four other criminal cases, but he is on bail in two of them. It is also submitted that neither there is any eye-witness to the alleged occurrence nor any material has come on record to suggest the complicity of the petitioner in the alleged crime and he has been falsely made an accused in the present on account of his bad antecedent, whereafter his confessional statement has been recorded forcibly.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record to suggest the complicity of the petitioner in the alleged crime, apart from the fact that there is no eye-witness to the alleged occurrence, hence, though I deem it fit and proper to admit the petitioner to the privilege of bail, but subject to certain condition, which is not opposed by the learned counsel for the petitioner.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Gaya in connection with Magadh Medical P.S. Case No. 205 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of



the week at 10:30 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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