

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47218 of 2023

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

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Gangandeo Mukhia, Son Of Gopal Mukhia Resident Of Village- Hasuaha, Ps-
Mufassil, Dist- East Chamaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 06-09-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Motihari Muffasil P.S. Case No. 25 of 2021 dated
13.01.2021 registered for the offence(s) punishable under
Section(s) 302/34 of the Indian Penal Code and Section 27 of
Arms Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is a 70 years old
person, though against him, there are criminal antecedents of
four cases but all the said cases were lodged as counter cases to
the cases lodged by the petitioner and his family and the
petitioner is on bail in all the said cases and so far as the present



matter is concerned there is no serious or specific allegation against the petitioner and he is simply stated to be a member of the mob which consisted of seven persons as per FIR and he was simply alleged to be equipped with a sword at the time of the commission of the alleged occurrence but any specific overt act of him in the alleged offence is not revealed. Further submissions are that co-accused Ashok Mukhiya, against him, there is specific allegation, has been granted anticipatory bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 28245 of 2022 and the main allegation of opening fire at the deceased is against co-accused Pappu Mukhiya.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly taking into consideration the petitioner's old age and the facts that though the petitioner is named in the FIR but against him there is no specific allegation and he is simply alleged to be equipped with a sword at the time of the commission of the alleged occurrence and several persons have been named in the FIR but specific role of the petitioner in the alleged occurrence has not been revealed and one similarly situated co-accused mentioned above is on anticipatory bail, in my opinion, in the



said circumstance, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Motihari Muffasil P.S. Case No. 25 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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