

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50755 of 2023

Arising Out of PS. Case No.-314 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Lal Babu Mukhiya Son Of Late Ganesh Mukhiya Resident Of Village -
Madhubani Ghat, P.S. - Motihari Muffasil, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for
grant of regular bail in connection with Motihari Muffasil P.S.
Case No. 314 of 2021 dated 18.06.2021 registered for the
offences punishable u/ss 147, 148, 149, 341, 323, 342, 324, 325,
307, 302 and 120B of the Indian Penal Code, 25(1-b)a, 26, 27
and 35 of the Arms Act and section ¾ of the Explosive
Substance Act.

4. As per the prosecution case, the co-accused persons



along with unknown miscreants are alleged to have shot the nephew of the informant Nand Lal Shahni dead and caused firearms injury to Kanhaiya Lal.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Genalal Sahani. There is general and omnibus allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 23.08.2022 passed in Cr. Misc. No. 12428 of 2022. The petitioner has three other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Motihari, East Champaran in connection with
Motihari Muffasil P.S. Case No. 314 of 2021.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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