

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54333 of 2023

Arising Out of PS. Case No.-779 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Mukesh Kumar @ Mukesh Son Of Lalbabu Mahto Resident Of Village -
Tirvirawan, P.S. - Gopalganj Town, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
31.01.2023 in connection with Gopalganj Town P.S. Case No.
779 of 2022, F.I.R. dated 23.09.2022 for the offences punishable
under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the brother of the
informant is alleged to have been killed by some persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and his name is transpired during the investigation
only on the basis of suspicion as well as confessional statement
of co-accused person. He further submits that some of the F.I.R.
named accused persons, namely, **Govind Yadav** vide order dated



20.06.2023 in Cr. Misc. No. 3668 of 2023, **Marandi @ Manoranjan @ Ritik Kumar @ Ritik Sharma** vide order dated 13.07.2023 in Cr. Misc. No. 17675 of 2023, **Ritesh @ Ritesh Kumar** vide order dated 14.07.2023 in Cr. Misc. No. 40330 of 2023 and **Guddu Yadav @ Guddu Kumar** vide order dated 28.07.2023 in Cr. Misc. No. 45487 of 2023 and **Deepak Kumar** have been granted bail vide order dated 31.07.2023 in Cr. Misc. No. 46751 of 2023 by the different co-ordinate Benches of this Court. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 31.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the other co-accused persons have been granted bail by the different co-ordinate Benches of this Hon'ble Court as well as this Court and the petitioner has clean criminal antecedent except this one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj



Town P.S. Case No. 779 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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