

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56666 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- MADHEPURA District- Madhepura

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SANJEET MUKHIYA S/O SUKAN MUKHIYA R/O VILLAGE-
MATRASH, P.S- MADHEPUR, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Madhepur P.S. Case No. 26 of 2023 for the offence punishable under Sections 143, 341, 323, 353, 307, 307, 120(B), 504, 506 of the Indian Penal Code and 27 of the Arms Act lodged on 7.2.2023 by the informant, Md. Rahmat Khan.

As per the prosecution story, the police reached near the Punjab National Bank, saw some persons on the motorcycle and when the 'Chowkidar' enquired, the allegation is that Sohan Kumar Nayak opened fire causing injury to the said 'Chowkidar' Heera Khan in his chest. Thereafter, the accused persons fled away. The injured was taken to Madhepur Primary Health Center, went to DMCH, Darbhanga and finally to PMCH where he was treated.



Learned counsel for the petitioner submits that his name has come in the confessional statement of Sohan Kumar Nayak. As per FIR, it is clear that it was Sohan Kumar Nayak who opened fire causing injury to Heera Khan in his chest. His role has only of an accomplice and nothing has been attributed to him.

Further contention is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5,000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that not only they have assembled near the Punjab National Bank, upon enquiry, they opened fire causing to the 'Chowkidar' in his chest.

Considering the fact that accusation is against Sohan Kumar Nayak, his name has come in the confessional statement of Sohan Kumar Nayak, is 19 years of age, do not have criminal antecedent and is in custody since 10.2.2023 (para-13 of the petition) this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5,000/- as undertaken by the



learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No. 26 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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