

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56562 of 2023**

Arising Out of PS. Case No.-417 Year-2019 Thana- SARAI District- Vaishali

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MUKESH KUMAR son of Jagannath Singh Village- Hidayatpur Chakhaji  
Nizam Ps- Mahua Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pranav Kumar Jha  
For the Opposite Party/s : Mr.Jagdhar Prasad

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      05-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that that informant alleged that while his brother was returning home after discharging his duty, he was committed murder near house of Deo Narayan Rai. The informant suspects that Mahesh Thakur has killed his brother because he wanted to marry his daughter with informant's brother forcibly.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in FIR rather he has falsely been implicated in this case merely on suspicion. There is no eye witness to the alleged



occurrence. The petitioner has no concern with the alleged offence and his name has been transpired in this case on the basis of confession made by co-accused Manish Kumar Sahni before the police, which has got no evidentiary value in the eye of law. Similarly situated other accused person namely, Pankaj Kumar @ Pankaj Yadav has already been enlarged on bail by this Bench vide order dated 28.03.2023 passed in Cr. Misc. No.2214 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 29.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarai P.S. Case No. 417 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-15th-cum-Sub-Judge 12<sup>th</sup>, Vaishali at Hajipur.

**(Sunil Kumar Panwar, J)**

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