

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 60912 of 2022**

Arising Out of PS. Case No.-357 Year-2019 Thana- MURLIGANJ District- Madhepura

MUKESH KUMAR SHARMA @ MUKESH SHARMA @ MUKESH KUMAR S/O PARMESHWAR MISTRI @ MARMESHWARI MISTRI @ PARMESHWARY MISTRY Resident of Village- Patuah, Ward No- 3, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      24-01-2023**                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Murliganj Police Station (for brevity, **PS**) Case No 357 of 2019 dated 24.10.2019 registered for the offence punishable under Sections 395, 397 of Indian Penal Code and Section 27 of Arms Act.

The informant alleges that three unknown criminals intercepted him and looted away Rs 3,00,000/- cash and on protest, one accused fired hitting at his thigh and, thereafter, they fled away.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.06.2021. Charge sheet has already been submitted in this case. Petitioner has three antecedents, in which he is on bail. It is further submitted that the petitioner has been falsely implicated in the present case. First Information Report has been lodged against unknown and name of this petitioner transpired on his own confessional statement, which has no evidentiary value. Co-accused Rupesh Yadav is alleged to have fired



at the informant when the petitioner protested. It is also submitted that co-accused Sonu Yadav has been granted bail by this Court by order dated 01.04.2022 passed in Cr Misc No 65839 of 2021.

Learned APP has opposed the prayer for bail. It is submitted that the petitioner has criminal antecedents.

Having considered the rival submissions, period of custody, the fact that name of petitioner transpired in his own confessional statement, which has no evidentiary value as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Madhepura in Murliganj PS Case No 357 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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