

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58855 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- JOGAPATTI District- West Champaran

RAJ KUMAR MUKHIYA S/O CHANDMAL MUKHIYA Resident of
village- Padraun, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 447,
302, 504 and 34 of the Indian Penal Code.

According to prosecution case, there is dispute relating
to land and earlier there was hot discussion of the accused
persons with the informant which led to assembly of all the
accused persons half an hour later. It has been alleged that after
abusing the accused Raja Kumar @ Ashish Kumar and Muntun
Kumar @ Mithilesh Kumar gave repeated knife blow to their
family members which led to death of Parsan Mukhiya and
Ramayan Mukhiya. Accordingly, the F.I.R. was lodged.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the F.I.R., the occurrence took place for removing the fodder cutting machine. He further submits that as per allegation as alleged in the F.I.R., co-accused Raja Kumar @ Ashish Kumar and Muntun Kumar @ Mithilesh Kumar have assaulted with knife blow on the deceased namely, Parsan Mukhiya and Ramayan Mukhiya, who died during course of treatment. He further submits that there is no allegation of any assault or overt act against the petitioner. At best, the petitioner is a member of the mob and co-accused, namely, Manoj Kumar Mukhiya and Chandmal Mukhiya have been granted bail vide order dated 16.09.2022 passed in Cr. Misc. No.22019 of 2022, co-accused namely, Guljari Devi and others have been granted bail vide order dated 12.07.2022, passed in Cr. Misc. No.16239/2022 and co-accused namely, Muntun Kumar Mukhiya @ Mithilesh Kumar has been granted bail vide order dated 12.09.2022 passed in Cr. Misc. No. 22096/2022 by a co-ordinate Bench of this Court. The police after investigation, submitted the charge sheet against the petitioner. The petitioner is in custody since 21.05.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

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 Court below, where the case is pending, in connection with Yogapatti P.S. Case No.442 of 2021, subject to the following conditions:-

1. 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.

2. 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.

3. 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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