

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62225 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- SATHI District- West Champaran

Mogal Mukhiya Son of Sri Nakchhed Mukhiya Resident of village -
Basantpur, P.S.- Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sathi P.S. F.I.R. No. 111 of 2021 lodged under Sections 341,
323, 324, 307, 379/34 of the I.P.C.

As per the prosecution case, the F.I.R. has been filed
against 3 (1 named and 2 unknown) accused persons. The
allegation made in the F.I.R. by the informant is that he along
with accused no.1 have visited to attend the marriage. At the
time of returning, 2 unknown persons have taken lift on the
vehicle requesting accused no.1 and subsequently, all the 3
persons left the vehicle. The petitioner had left 3 persons at

specific place, returned to his house. It has been alleged that the said 2 unknown persons have committed crime with the informant. They assaulted him brutally have taken cash and mobile from him and had thrown him in the field thinking that he died. Subsequently, the informant become rescued and filed the case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel submits that from the content of F.I.R., it transpires that petitioner is not present at the place of occurrence. His name has figured in this case only by virtue of suspicion.

Counsel further submits that petitioner is in custody since 26.06.2022. He also submits that there are 4 criminal antecedent of the petitioner where all cases belong to Excise Act and he is on bail in all the cases.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-III,

Bettiah, West Champaran in connection with Sathi P.S. F.I.R. No. 111 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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