

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63674 of 2023

Arising Out of PS. Case No.-25 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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PRAVESH MUKHIYA Son of Chandeshwar Mukhiya Resident of Village-
Hasuuahan, Police Station-Muffasil, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per prosecution case, the informant along with
her husband, namely, Krishna Mukhiya was sleeping in her hut,
in the meantime, petitioner along with other co-accused persons
forming an unlawful assembly and holding weapons came and
shouted where Krishna Mukhiya was, then the informant came
out from her hut and co-accused Gagan Mukhiya started
abusing her and co-accused Pappu Mukhiya opened fire with



the gun on the chest of the informant due to which the husband of the informant succumbed to injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to village politics. Nothing specific allegation has been levelled against the petitioner rather the specific allegation of making gun shot fire is against co-accused, namely, Pappu Mukhiya not against this petitioner. Similarly situated other co-accused persons have already been granted bail by co-ordinate Bench of this Court vide order dt. 19.01.2023 in Cr. Misc. No. 28245 of 2022 and order dt. 06.09.2023. in Cr. Misc. No. 47218 of 2023. Moreover, the petitioner is languishing in judicial custody since 13.02.2023.

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

6. 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 Muffasil P.S. Case No. 25 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
learned 21st Additional Sessions Judge, East Champaran.,
Motihari.

(Sunil Kumar Panwar, J)

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