

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69767 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- NIRMALI District- Supaul

Binod Mukhiya @ Vinod Mukhiya Son Of Rajendra Mukhia R/O Village-
Bela Singar Moti, Tola- Camp Tola, P.S.- Nirmali, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with S.T.No.237 of 2022 arising out of Nirmali P.S. Case No.70 of 2021 registered for the offences punishable under Sections 341, 342, 323, 324, 326, 307, 379, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner is in custody since 16.05.2021. He has got one criminal antecedents and he is on bail in the said case as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 12.05.2022 in Cr. Misc. No. 66032 of 2021, this Court had observed that in case the trial is not concluded within a period of



six months for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

Learned counsel further submits that till charge has not been framed in this case.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that despite observations of this Court contained in its order dated 12.05.2022 passed in Cr.Misc.No.66032 of 2021, till date the charge has not been framed and the petitioner has already remained in custody since 16.05.2021 and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Supaul in connection with S.T.No.237 of 2022 arising out of Nirmali P.S. Case No.70 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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