

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74895 of 2022

Arising Out of PS. Case No.-109 Year-2019 Thana- MAJHAULIA District- West Champaran

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MUKESH PATHAK S/o Lalan Pathak R/v- Maduabag, P.S.- Mehasi, District-
East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ganesh Prasad Singh,APPP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
18.05.2022 in connection with Majhaulia P.S.Case No.109 of
2019, F.I.R. dated 22.03.2019 registered for the offence
punishable under Section 387 of IPC.

3. The allegation is that Rangdari was demanded from
a mobile phone number and for non-fulfilment, firing was done
at the shop of the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of his previous criminal
antecedent and the petitioner is not named in the FIR. The name
of the petitioner has been transpired during investigation on the



basis of confessional statement of co-accused persons, namely, Pintu Kumar @ Pintu Patel and Priyaranjan Kumar. Further submits that except the confessional statement of the co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and in fact the petitioner is in judicial custody since 26.04.2013 in connection with Purnahiya P.S. Case No.93 of 2011 and on the date of alleged occurrence the petitioner was in judicial custody and merely on the basis of suspicion and confessional statement of the co-accused persons, the petitioner has been implicated in the present false and fabricated cases and co-accused persons, namely, Vipul Kumar, Priya Ranjan Kumar @ Rishabh Raj Manibhushan @ Manav Chaubey, Sohan Kumar Patel and Sanjeet Kumar Chaudhary have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 26.06.2019, 31.07.2019, 11.11.2020 and 12.08.2021 passed in Cr. Misc. Nos.39009 of 2019, 46003 of 2019, 23012 of 2020 and 1355 of 2021 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.05.2022.

5. Learned APP for the State, on the other hand, has



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twenty three more cases other than the present one, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhauria P.S.Case No.109 of 2019, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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