

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1746 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- CHORAUT District- Sitamarhi

Lalit Mukhiya @ Tulsiya Mukhiya, S/o Panchu Mukhiya R/O Village-
Parigama, P.S- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Choraut P.S. Case No. 132 of 2022 dated 12.07.2022 registered
for the offence punishable under Sections 302/34 of the Indian
Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that in fact the deceased who
happened to be the son of the informant, died on account of
sustaining some injury on his head and he was an addict to
narcotic material 'Ganja' and the said occurrence took place on
07.06.2022 and thereafter deceased's wife Manju Devi who is a
co-accused in this matter filed a petition at the concerned police
station on which basis U.D. Case No. 02 of 2022 was lodged



and thereafter on 12.07.2022, after more than one month from the lodging of the said U.D. Case, the father of the deceased lodged the FIR of the present matter with the false allegations and two co-accused persons namely, Raj Kumari Devi and Manju Devi have been granted anticipatory bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 69546 of 2022 and in the FIR which was lodged several days after the death of the deceased, there is no any specific allegation against the petitioner and the investigation has been completed against him and he has been languishing in jail since 28.08.2022. Further submission is that during investigation three material witnesses including the informant of the present matter did not allege anything about this petitioner specifically.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions advanced by learned counsel for the petitioner and petitioner's fair and clean antecedent as mentioned in the petition and also the facts that against the petitioner the investigation has been completed and in the FIR there is no specific allegation against the petitioner and the FIR was lodged after institution of the U.D. Case lodged by deceased's wife, in the opinion of this court, the petitioner



deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Choraut P.S. Case No. 132 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

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