

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14748 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- MADHEPUR District- Madhubani

Sushil Mukhiya Son of Shankar Mukhiya Resident of Village - Bath, Ps-
Madhepura, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhepur P.S. case No. 294 of 2023 instituted for the offences
under Section 413 of the Indian Penal Code and SEctions 25(1-
b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., during vehicle checking, police
apprehended two persons whereas one person (this petitioner)
managed to flee away. The apprehended persons disclosed that
the name of the person who fled away from the spot and on the
basis of this information, one *desi katta* and two live cartridges
were recovered from the house of this petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Learned counsel further submitted that petitioner was not apprehended on the spot, rather he has been made accused in this case merely on the basis of disclosure made by the accused persons. The co-accused person has already been granted bail by this Bench vide order dated 21.03.2024 passed in Cr. Misc. No. 18689 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.11.2023 and has three criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Madhepur P.S. case
No. 294 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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