

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49324 of 2024

Arising Out of PS. Case No.-207 Year-2019 Thana- MAHUA District- Vaishali

Mukesh Kumar @ Mukesh Chaurasiya Son of Sri Braj Nandan Prasad
Chaurasiya R/O Vill.- Jahanabad Basanta, P.S.- Lalganj, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
	:	Ms. Saloni Sinha, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Niraj Kumar, learned counsel for the petitioner and Mr. Aditya Narayan Singh 1, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.02.2024, in connection with Mahua P.S. Case No. 207 of 2019 registered for the offence under Sections 395 and 397 of the Indian Penal Code.

3. As per the prosecution case, all the miscreants armed with deadly weapons and pistols assaulted the son of the informant on his head, causing injury to him and also looted jewellery and cash of Rs.2,00,000/-.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the petitioner is not named in the F.I.R., his name has been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Md. Jafan Quraishi and till date no TIP has been conducted by the prosecution. He further submits that the co-accused person, namely, Md. Jafan Quraishi has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.10.2019 passed in Cr. Misc. No. 63687 of 2019, co-accused person namely, Birendra Kumar @ Biru has also been granted bail by a co-ordinate Bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. No. 58612 of 2019, co-accused person, namely, Arbind Sahni has also been granted bail by a co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 74438 of 2019, co-accused person, namely Sushil Sahani has also been granted bail by a co-ordinate Bench of this Court vide order dated 02.06.2020 passed in Cr. Misc. No. 13575 of 2020 and co-accused person, namely, Jahindra Sahni has also been granted bail by this Court vide order dated 07.06.2022 passed in Cr. Misc. No. 31032 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.02.2024.



5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that on the basis of the confessional statement of the co-accused the petitioner has been made accused in the present case and one looted mobile was also recovered from the possession of the petitioner and apart from that petitioner carries two more cases other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that out of two cases the petitioner is on bail in one case.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 207 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 canceled 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.

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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