

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44706 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SINDHIYA District- Samastipur

Radhe Shyam Mukhiya @ Radhe Mukhiya Son of Late Asharfi Mukhiya R/O
Vill.- Pipara, P.S.- Singhiya, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58755 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SINDHIYA District- Samastipur

Sajjan Mukhiya @ Sajan Mukhiya Son of Sulo Mukhiya R/O Vill.- Pipra,
P.S.- Singhiya, Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 44706 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the State : Mr. Abhay Kumar, APP
For the Informant : Mr. Dilip Kumar Roy, Advocate
(In CRIMINAL MISCELLANEOUS No. 58755 of 2024)
For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
Mrs. Vasihnavi Singh, Advocate
For the State : Mr. Shyam Kumar Singh, APP
For the Informant : Mr. Pramod Kumar Mishra, Advocate
Mr. Dilip Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Ajay Kumar Thakur, the learned Counsel
for the petitioner and duly assisted by Mr. Pramod Kumar
Singh, Mr. Pramod Kumar Mishra and Mr. Dilip Kumar Rai,
learned Counsels for the informant and learned Additional



Public Prosecutor for the State.

2. Petitioners seek regular bail who are in custody since 11.02.2024, in connection with Singhia P.S. Case No. 24 of 2024, FIR dated 02.02.2024, registered for the offences punishable under Sections 302,34 of the Indian Penal Code.

3. According to the prosecution case, the informant, Savita Devi alleged that on 31.1.2024 at about 11.00 A.M., the mother of Sajjan Mukhiya came to her house and told to her family members that Sajjan Mukhiya has received knife injury. Sajjan Mukhiya is friend of her husband Amarjeet Mukhiya. She asked them to come on which her entire family members and nearby people went there. They saw Sajjan Mukhiya sitting on a table outside the hut near Pipra bridge and he was pressing his ear. Her aunt Shyama Devi and other family members enquired about Amarjeet Mukhiya on which he asked to search for him near the house of Mallik at Sapaha road on which her family members as well as she herself started searching for her husband and saw Amarjeet Mukhiya lying in a ditch near orchard of Mohan jee and he was unable to speak and was lying unconscious. The body was in pool of blood. He was brought at Pipra Bridge. Thereafter, Sajjan Mukhiya and her husband were brought for treatment at Singhia Ashoka Hospital



where her husband was declared dead and injured Sajjan Mukhiya was being treated in the hospital. Sajjan Mukhiya and Amarjeet both were running a shop in partnership since last six years. Sajjan Mukhiya has taken loan of Rs.3,50,000/- from Amarjeet Mukhiya for construction of house. One week ago Amarjeet Mukhiya has demanded back the said money from Sajjan Mukhiya as he has himself to construct a house. Sajjan Mukhiya has assured to give money in the month of March. She suspected that Sajjan Mukhiya himself or through unknown persons got him (Amarjeet Mukhiya) killed. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The petitioner, namely, Radhe Shyam Mukhiya @ Radhe Mukhiya is not named in the F.I.R. and petitioner, namely, Sajjan Mukhiya @ Sajan Mukhiya is named in the F.I.R. and they have been made accused on the basis of suspicion on the ground that Sajjan Mukhiya has taken money from the deceased and during investigation, the Sajjan Mukhiya has confessed his guilt on that basis, the name of the Radhe Shyam Mukhiya has come in the present case and accept the aforesaid, no other cogent material has surfaced during the course of investigation



suggesting the involvement of the petitioners in the alleged occurrence and no one has seen the occurrence and the police have submitted charge sheet and the petitioners are in custody since 11.02.2024.

5. The learned Additional Public Prosecutor for the State and learned Counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Radhe Shyam Mukhiya@ Radhe Mukhiya carries five cases other than the present and petitioner, namely, Sajjan Mukhiya @ Sajjan Mukhiya has clean antecedent but fairly submits that on the basis of the paragraph-5 of the supplementary affidavit that the petitioner, namely, Radhe Shyam Mukhiya @ Radhe Mukhiya is on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Rosera (Samastipur) in connection with Singhia P.S. Case No. 24 of 2024, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and



shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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