

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84040 of 2023

Arising Out of PS. Case No.-365 Year-2019 Thana- MURLIGANJ District- Madhepura

MUKESH KUMAR @ MUKESH SHARMA S/o Parmeshwar Mistri @
Parmeshwari Mistri R/o village- Patuaha, Ward No.- 3, P.S.- Sadar, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Murliganj P.S Case No. 365 of 2019 dated 31.10.2019 registered for the offences punishable u/ss 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant and one Brajesh Yadav riding on a motorcycle and the informant's uncle Sanjeev Yadav riding on another motorcycle were returning to their house, on the way, a white colour Scorpio came between the aforesaid motorcycles and just behind the Scorpio, a red colour motorcycle was driven by unknown person on which co-



accused Manoj Yadav who seated behind, opened fire on Sanjeev Yadav (deceased) twice from their firearms, due to that he succumbed to the injury on the spot. However, the informant carried Sanjeev Yadav to Murliganj hospital, where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. and he has not been put up on TIP parade. The specific allegation of firing is on co-accused Manoj Kumar. Similarly situated co-accused person has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 23.07.2021 passed in Cr. Misc. No. 34170 of 2021. The petitioner has five criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 20.06.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Madhepura in connection with Murliganj P.S Case
No. 365 of 2019, with further condition:-

(i) The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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