

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85292 of 2023

Arising Out of PS. Case No.-402 Year-2022 Thana- DANAPUR District- Patna

Mukesh Kumar Son Of Chandsi Rai R/O Village- Habaspur, Ps.- Shahpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Danapur P.S. case No.
402 of 2022 instituted for the offences under Sections 363, 326,
307, 354(D) of the Indian Penal Code and Section 27 of the
Arms Act.

3. Prosecution allegation, in short, is that while the
informant along with her sister was standing on the road for
taking a tempo, the petitioner came and assaulted her and fired
at her which hit another girl and took away her sister along with
him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. The name of the petitioner has transpired as guardian of the victim wanted to solemnize marriage of the petitioner with his daughter which the petitioner refused and due to which the present false case has been instituted against the petitioner. In her Section 164 Cr.P.C. statement, the victim has not supported the allegation made in the F.I.R. As per allegation, the petitioner fired which hit one Neha Kumari but no fire arm injury was found on the body of Neha Kumari. The petitioner is in custody since 22.07.2022 and has six criminal antecedents. Learned counsel for the petitioner submits that charge has already been framed in this case.

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, the period of custody undergone by the petitioner and the fact that charge has already been framed, 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 Danapur P.S. case



No. 402 of 2022, 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 and will cooperate in 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.

(Rudra Prakash Mishra, J)

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