

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2715 of 2025

Arising Out of PS. Case No.-45 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

Mukesh Kumar @ Mukesh Rai Son of Bharat Rai Resident of Village -
Madhopur Hazari, P.S. - Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 45 of 2022 dated 12.02.2022, instituted for the offence punishable under Sections 394, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant received a call from unknown number that in Rajapati village, one CSP owner has been shot by some unknown persons and they looted away his money. The informant reached hospital and found his brother Ram Narayan Singh @ Galedu Singh lying dead. The FIR is against unknown person.

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



case. It is further submitted that the petitioner has been made accused in this case only on the basis of self confessional statement of the petitioner recorded in Chakiya P.S. Case No. 129 of 2023 and thereafter the petitioner was remanded in the present case. Learned counsel further submitted that there is no eye witness to the alleged occurrence. It is also submitted that petitioner has eleven criminal cases against him due to which he has been falsely implicated in this case. It is next submitted that the bail application of the petitioner has been rejected by the learned Sessions Judge only on the basis of self confessional statement and criminal antecedents. During investigation, no material has come against the petitioner. It is further stated that other co-accused persons namely, Bhagwan Kumar Yadav has been granted bail *vide* order dated 27.04.2023 passed by a Co-ordinate Bench of this court in Criminal Miscellaneous No. 70964 of 2022 and Deepak Kumar and Ashok Kumar have been granted bail *vide* order dated 15.05.2023 and 23.05.2024 passed by this court in Criminal Miscellaneous No. 12073 of 2023 and 27465 of 2024 respectively. Lastly, it has been submitted that the petitioner is in custody since 27.04.2024, he has 11 criminal cases against him and charge-sheet has been submitted in the case.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Gopalganj in Baikunthpur P.S. Case No. 45 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

Sankalp/-

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