

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7415 of 2025

Arising Out of PS. Case No.-102 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Nand Kishore Mukhiya @ Nand Kishor Mukhiya S/O Mushafir Mukhiya R/O
Ward no. 12, Siswa, Managalpur, P.S.- Srinagar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-05-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Umeshanand Pandit, learned APP for
the State.

2. The petitioner is apprehending his arrest in connection with Pipra Kothi P.S. Case No. 102 of 2024, dated 15.05.2024, for the offences punishable under Sections 399, 401, 402, 413, 414, 34 of the Indian Penal Code and u/s 25(1-b)a, 26, 35 of the Arms Act.

3. According to prosecution case, one loaded country made pistol of .315 bore from the waist and one live cartridge of .315 bore from the left pocket of paint and one mobile from the right pocket of the paint was recovered from the accused persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. The name of the petitioner has surfaced in this case on the basis of confessional statement of apprehended co-accused persons namely, Dilip Kumar and Pradeep Kumar. It appears from the seizure list that the arms have been recovered from the possession of apprehended co-accused persons. No incriminating material has been recovered from the conscious possession of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of this case, petitioner having clean antecedent, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned J.M., 1st Class, Sadar Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 102 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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