

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12143 of 2025

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

Mukesh Kumar @ Mukesh Rai, aged about 27 years, Male 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 Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with
Chakia P.S. Case No. 213 of 2022 (Sessions Trial No. 899
of 2023) registered for the offences punishable under
Section 395 of the Indian Penal Code.

3. As per prosecution case, six miscreants armed
with pistol entered into the shop of the informant and
opened fire on wall and looted away ornaments and cash of
Rs. 60,000/- It is further alleged that they have inflicted fire
arm injury to him as well as his brother.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent has committed no offence and
has falsely been implicated in this case. He further submits



that no recovery from the conscious possession of the petitioner. Petitioner is not named in the FIR and his name surfaced in this case only on the basis of confessional statement of co-accused namely Pankaj Kumar, who has been granted regular bail by a co-ordinate Bench of this Court. Petitioner has not been put on Test Identification Parade till date. He next submit that there is no any eye witness to the occurrence. He lastly submits that except the confessional statement of co-accused, there is no any evidence to show the complicity of the alleged occurrence. It is also submitted that petitioner is in judicial custody since 14.09.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned 20th Additional Sessions Judge, East Champaran, Motihari dated 13.11.2024, it appears that petitioner is not named in the FIR and he has been made accused only on the basis of confessional statement of the other co-accused persons. From perusal of the records, it also appears from the impugned order that there is no any



recovery from the conscious possession of the petitioner. Investigation has been concluded and chargesheet has already been submitted in this case but no Test Identification Parade has been conducted during investigation. Similarly situated co-accused persons namely Sushil Kumar @ Kundan Kumar, Mukund Ji @ Vivek Kumar, Upendra Yadav, Lokesh Kumar @ Lokesh Rai, Dipu Singh @ Dipu Kumar Singh, Munna Kumar @ Munna Sah, Pankaj Kumar and Subodh Kumar Rai @ Subodh Kumar have already been granted regular bail by this Court and Co-ordinate Benches of this Court in Cr. Misc. Nos. 27196 of 2023, 20819 of 2023, 38191 of 2023, 47078 of 2023, 82791 of 2023, 7166 of 2024, 10896 of 2024, 52384 of 2023, vide orders dated 25.05.2023, 28.06.2023, 12.07.2023, 09.10.2023, 02.02.2024, 20.02.2024, 22.02.2024 and 10.04.2024, respectively, so considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named 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 learned Chief



Judicial Magistrate, East Champaran at Motihari in connection with Chakia P.S Case No. 213 of 2022 (Sessions Trial. No. 899 of 2023).

(Ramesh Chand Malviya, J)

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