

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30483 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Arun Mukhiya, Son of Shivnath Mukhiya, R/O Village- Bangra Nizamat,
P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-08-2025 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and Ms. Rita Verma, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 248 of 2024 dated 15.05.2024
registered for the offence punishable under section 302 read
with section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioner's
counsel are that the informant claimed himself to be an
eyewitness of the commission of the alleged *marpit* which took
place just one hour before the commission of the murder of the
deceased but the prosecution story narrated by the informant in
the FIR is completely unbelievable as according to him, the
deceased was first assaulted by this petitioner and four co-
accused persons, which was witnessed by the informant, his



relatives and co-villagers and thereafter, the victim was brought to his house by his family members and one hour later, the victim was again taken by the accused persons after persuading him and the said part is completely unbelievable as why the victim went with them despite the occurrence of *marpit* having taken place with him by the accused persons just one hour before the occurrence and why his family members permitted the accused persons in taking the victim with them. It is further submitted that in the statement of the material witnesses of the prosecution, who are relatives of the deceased, it has come in the light that the deceased was having a dispute with co-accused Suresh Mukhiya regarding some money transaction and it is not the prosecution's case that the petitioner had any dispute with the deceased during the relevant time, so, there was no reason for the petitioner to kill the deceased. It is further submitted that the petitioner has been languishing in jail since 17.01.2025, having fair and clean antecedent and against him the investigation has been completed. It is lastly submitted that the FIR was registered two days after the commission of the alleged occurrence, which shows that a false story was prepared by the prosecution party.

4. Learned APP for the State has opposed the bail



prayer of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner’s counsel and mainly the fact that in view of petitioner’s counsel’s above contentions the second part of the prosecution story relating to the commission of the murder of the deceased, showing involvement of this petitioner, appears to be some improbable, so, considering this aspect and coupled with petitioner’s custody period, his fair and clean antecedent and completion of investigation against him, this Court is inclined to release him on bail. Accordingly, let the petitioner named-above be released 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 the court concerned in connection with Sahebganj P.S. Case No. 248 of 2024.

(Shailendra Singh, J)

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