

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29365 of 2025

Arising Out of PS. Case No.-264 Year-2023 Thana- MAHARAJGANJ District- Siwan

Mukesh Kumar @ Mukesh Kumar Sah son of Late Jaglal Sah Resident of
Purani Mathiya PS- Maharajganj District -Siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanishk Kaustubh

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-07-2025 Heard learned counsels for the parties.

2. The petitioner seeks regular bail in connection with
Maharajganj P.S. Case No. 264 of 2023 registered for the
offence under Sections 302, 201 read with Section 34 of the
Indian Penal Code.

3. This is the second attempt for bail of the petitioner.
Earlier his prayer for bail was rejected by this Court on
20.11.2024 in Cr. Misc. No.58897 of 2024 and the following
order was passed:

*Heard the learned counsel for the petitioner
and learned APP for the State.*

*2. The petitioner seeks regular bail in
connection with Maharajganj P.S. Case No.
264 of 2023 registered for the offence under
Sections 302, 201 read with Section 34 of the
Indian Penal Code.*

3. Though none is named in the F.I.R. but



during investigation, it has come that petitioner along with other co-accused persons have killed the deceased due to previous dispute. One mobile phone and the murder weapon i.e. Chinese Knife has been recovered from the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 31.10.2023 and is not involved in the crime. He further submits that knife recovered from the house of the petitioner is not the murder weapon.

5. Learned A.P.P. has vehemently opposed the prayer for bail.

6. In view of the above discussions, this application for regular bail is hereby dismissed with liberty to the petitioner to renew his prayer for bail if the FSL supports the contention of the petitioner.

4. Though the petitioner is not named in the FIR, but during the investigation one Chinese Knife was recovered from his house, which is alleged to be the murder weapon.

5. Learned counsel for the petitioner has relied upon the F.S.L. Report that the murder was not committed by the knife which has been recovered from the house of the petitioner and knives are commonly being kept in every household. From the viscera report it appears that the knife did not contain any blood mark. The petitioner is in custody since 31.10.2023 and he claims clean antecedent.

6. Considering the facts and circumstances of the



case, this application is allowed.

7. Let the petitioner, above named, 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 Additional District and Sessions Judge-VIII, Siwan/concerned Court below, in connection with Maharajganj P.S. Case No.246 of 2023.

8. Petitioner shall cooperate in the trial.

(Sandeep Kumar, J)

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