

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52327 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- BASOPATTI District- Madhubani

Birendra Mukhiya @ Birendra Kumar Mukhiya, S/o Lakshmeshwar Mukhiya
@ Ladameshwar Mukhiya R/o Village- Pithwa Tol, Usrahi, P.S.- Deodha,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Basopatti P.S. Case No. 188 of 2024 dated 16.10.2024 instituted for the offence punishable under Sections 310(4), 310(5) of Bhartiya Nyaya Sanhita, 2023 and Section 25(1-B)a/26/35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, police received information about assembly of 6-7 miscreants in some orchard. A raid was conducted and four persons were apprehended while the petitioner and one co-accused persons managed to escape. From the possession of apprehended persons, a country made pistol with two live



cartridges in magazine, knife, mobile phone and motorcycle were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner has not been apprehended at the spot. Only on the basis of disclosure made by the apprehended persons, the petitioner has been made accused in this case. Nothing has been recovered either from the conscious possession or from the house of the petitioner. It is further submitted that four persons were apprehended at the spot, out of which three persons namely, Sonu Mandal, Nand Lal Yadav and Santosh Kumar have been granted bail by different co-ordinate Benches of this Court *vide* order dated 25.03.2025 passed in Criminal Miscellaneous Nos. 15207 of 2025, order dated 16.04.2025 passed in Criminal Miscellaneous No. 18227 of 2025 and order dated 05.05.2025 passed in Criminal Miscellaneous No. 26818 of 2025 respectively. Lastly, it has been submitted that the petitioner is in custody since 31.01.2025 having three criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State 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, Madhubani in connection with Basopatti P.S. Case No. 188 of 2024, 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 within two weeks of his release from custody shall appear before the S.H.O. of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

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