

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74810 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MADHEPUR District- Madhubani

Sushil Mukhiya @ Shushil Kumar Mukhiya, S/o Sankar Mukhiya, R/o
Village-Bath, P.S.- Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 28-01-2025 Heard Mr. Jitendra Kumar, learned counsel for the

petitioner and Mr. Shantanu Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Madhepur P.S. Case No. 262 of 2023
initially registered for the offences punishable under Sections
341, 307, 120B of the Indian Penal Code and Section 27 of the
Arms Act but later on Section 302 of the Indian Penal Code was
added.

3. Allegedly, while the brother of the informant was
coming to his house after completing his work of the Public
Distribution System, in the meanwhile, he was shot by some
unknown miscreants from the back. He was referred to
D.M.C.H., Darbhanga for better treatment but during the course



of treatment, he died.

4. Learned counsel for the petitioner referring to the FIR contended that the FIR has been instituted against unknown miscreants with a specific allegation that he was shot from the back side. During the course of investigation, the police apprehended one Saroj Kumar Yadav @ Saroj Kumar, brother of the deceased, who confessed before the police that on account of some extramarital relationship between the wife of the deceased and with him, he hired one Ajay Kumar @ Ajay Thakur, who confessed before the police that the petitioner was also accompanying along with one another accused person in causing death of the deceased. The entire case as narrated above is based on the confessional statement of the co-accused persons. Save and except the confessional statement, there is no material. Learned counsel for the petitioner further contended that on the basis of confessional statement, the petitioner was apprehended and later on from his possession, country made pistol and some live cartridges were recovered. Prior to the institution of this case, the petitioner has had absolutely clean antecedent, however, on account of the recovery of the arms and ammunition, one criminal case in relation to Arms Act was also instituted. Moreover, the petitioner has been incarcerated since



16.04.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner has actively participated in causing the death of the brother of the informant. That apart on the disclosure made by the petitioner, the arms, which was used in the crime, has been recovered from the possession of co-accused Dev Nath Yadav. The petitioner was also apprehended with the arms.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the recovery of the arms on the disclosure of the petitioner, this Court is not acceded to the prayer of the petitioner for grant of bail. Accordingly, his prayer is rejected for the present.

7. However, the petitioner shall be at liberty to renew his prayer for bail after framing of charge.

(Harish Kumar, J)

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