

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80434 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- BELDOUR District- Khagaria

1. Pappu Mukhiya Son of Late Narayan Mukhia Resdient of village- Tilathi ,
P.S- Beldaur, Distt.- Khagaria
2. Kundan Mukhia Son of Late Narayan Mukhia Resident of vill- Tilathi, P.S-
Beldaur,Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81233 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- BELDOUR District- Khagaria

Sonu Kumar S/O Pappu Mukhia Resident of Village-Tilathi, P.S- Beldaur,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80434 of 2024)

For the Petitioner/s : Mr. Sadanand Roy, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 81233 of 2024)

For the Petitioner/s : Mr. Sadanand Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 16-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with S.Tr.
no. 432/2024 arising out of Beldaur P.S. Case No. 372 of 2023
registered for the offences under Sections 302, 201, 353 and
120B/34 of the Indian Penal Code.

3. As per the prosecution case the informant has alleged



that he received an information that his father was killed by the named accused persons including the petitioners. The informant has further alleged that the petitioners along with other co-accused persons had threatened the informant's father that he would be eliminated as the father of the petitioner Pappu Mukhiya had died during custody. The informant has thus raised suspicion that it was the accused persons in conspiracy with others had committed murder of his father.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case merely on suspicion. It has further been submitted that there is no eye witness to the occurrence and during course of investigation nothing has come to show complicity of the petitioners in the present incident, barring the confessional statement. The learned counsel has next submitted that the entire family members of the petitioners including the female members have been named in the present case, however, even during the course of investigation, nothing has come against the petitioners except the suspicion raised by the informant and his close family members. Learned counsel for the petitioners has also submitted that similarly situated co-accused persons Sabnam Devi, Sunita Devi and Savita Devi



have been enlarged on bail by a coordinate Bench of this Court vide order dated 05.07.2027 passed in Cr. Misc. No. 34458 of 2024. Lastly it has been submitted that the petitioner Pappu Mukhiya is in custody since 17.03.2024 while the petitioner Kundan Mukhiya is in custody since 01.06.2024 and petitioner Sonu Kumar is in custody since 24.01.2024. It has also been submitted that the petitioners Pappu Mukhiya and Kundan Mukhiya carry clean antecedent while the petitioner Sonu Kumar has one criminal case.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account that barring suspicion nothing has come against the petitioners and similarly situated co-accused persons namely Sabnam Devi, Sunita Devi and Savita Devi have been enlarged on bail by a coordinate Bench of this Court, let the petitioners, above named, be enlarged on bail on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII, Khagaria in connection S.Tr. no. 432/2024 arising out of Beldaur P.S. Case No. 372 of 2023 subject to the conditions that



- a. One of the bailors of the petitioners shall be their close relative.
- b. The petitioners shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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