

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90233 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- RAMGARHWA District- East
Champaran

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Sushil Mukhiya @ Sushil Mukhia, aged about 35 years, Male, Son of Ram Chandra Mukhiya, Resident of Village-Kharkatwa, Police Station-Palanwa, District-East Chamaparan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ramgarhwa P.S. Case No. 398 of 2023 dated 16.10.2023 registered for the offences punishable under Sections 394, 302, 120B read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant alongwith his driver and *Munshi* was returning from Muzaffarpur after collecting Rs. 26,70,000/- from the owner of Flour Mill. At about 8.20 P.M., when the informant reached the gate of *Shiv Shakti Modern Flour Mill*, they found that the gate



of the Mill was closed. When the driver of the vehicle came out to open the gate, indiscriminate firing was started from the driver side, due to which, the driver and *Munshi* sustained firearms injuries. In the meantime, the informant fled away after looting the said money from the vehicle, It is further alleged that the injured were taken to the hospital and during the course of their treatment, *Munshi*, Dilip Kumar, succumbed to the injuries.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R., and during the course of investigation, the confessional statement of the petitioner in Ramgarhwa P.S. Case No. 415 of 2023 has been recorded before the police and on that confessional statement, the petitioner has been remanded in the present case from that case. There is no specific allegation against the petitioner. No incriminating article has been recovered from his possession. There is no eye witness to the alleged offence. No T.I. Parade has been conducted. The co-accused in his confessional statement has also not named the petitioner. It is further submitted that the other co-accused persons, namely, Gajendra Kushwaha and Kishori Kushwaha have already been granted bail by a Bench of this Court vide Cr.



Misc. No. 18412 of 2024 and 20348 of 2024 respectively under order dated 03.05.2024. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged 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 learned C.J.M. East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 398 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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