

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1803 of 2015

Arising Out of PS.Case No. -7 Year- 2014 Thana -MAHISI District- SAHARSA

- =====
1. Sitaram Mukhiya
 2. Bhola Mukhiya,
 3. Yogendra Mukhiya
 4. Maheshwar Mukhiya
 5. Jarban Mukhiya All are sons Late Faguni Mukhiya,
 6. Bablu Mukhiya, S/o Bhola Mukhiya
 7. Amju Mukhiya @ Aju Kumar Mukhiya, S/o Yogendra Mukhiya,
- Resident of Village - Mangarh, P.S. Jalai, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 15-01-2015 Heard both sides.

The petitioners apprehend their arrest in Maheshi P.S.
Case No. 7 of 2014, registered for the offences punishable under
Section 308 and other Sections of the Indian Penal Code.

The informant Lala Mukhiya named 14 persons and
alleged that Yogendra Mukhiya petitioner no. 3 assaulted Lakshmi
Mukhiya with Pharsa on his head, thereafter he made omnibus and
general allegations against all the accused persons.

It is submitted that on account of land dispute the
case has been filed. From the side of the petitioner Maheshi P.S.
Case No. 6 of 2014 was filed. In Cr. Misc. No. 541 of 2012 rule

was made absolute in favour of the petitioner, but the informant and others tried to grab the lands.

It appears that there is a land dispute between the parties and only specific allegation of assault is against Yogendra Mukhiya that he assaulted Lakshmi Mukhiya with Pharsa on his head. Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 3 Yogendra Mukhiya on anticipatory bail. Accordingly, the same is rejected.

So far as case of the other petitioners are concerned, there is omnibus and general allegation, considering the facts aforesaid, the petitioner nos. 1, 2, 4, 5, 6 and 7, they, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Maheshi P.S. Case No. 7 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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