

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16373 of 2015**

Arising Out of PS.Case No. -333 Year- 2014 Thana -JOGAPATTI District-  
WESTCHAMPARAN(BETTIAH)

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1. Kanhaiya Mukhiya son of Khublal Mukhiya,  
2. Paltu Mukhiya son of Khublal Mukhiya &  
3. Khublal Mukhiya son of late Chokat Mukhiya  
All are resident of village-Bahuarwa Bindtoliya, Police Station-  
Yogapatti (Sanichari), District-West Champaran. .. .. Petitioner/s  
Versus  
The State of Bihar  
..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.  
For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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**CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA**  
**ORAL ORDER**

2      25-06-2015                      Heard learned counsel for the petitioners and the informant.

A direction of the learned Sessions Judge, West Champaran, Bettiah in ABP No.1716 of 2014 to the petitioners to surrender and pray for regular bail, the petitioners have chosen to approach this Court for bail under Section 438 Cr.P.C.

The allegation against petitioner Paltu Mukhiya is of giving a farsa blow to the father of the informant, i.e., Shankar Mukhiya and the photo copy of the injury report which has been annexed as Annexure-2 to the present petition indicates that there was a fracture of parital bone with associated depression. As regards petitioner Kanhaiya Mukhiya, he is said to have given a similar blow to the informant and the injury found by the doctor

on Tufani Mukhiya, the informant of the case was also touching the bone, its dimension being 4"x 1/4". The injury was located on the frontal side of the head of the informant and was caused by sharp cutting weapon.

In the above view of the matter, the prayers for anticipatory bail on behalf of the petitioners Kanhaiya Mukhiya and Paltu Mukhiya are hereby rejected.

As regards petitioner Khublal Mukhiya, he appears merely to be an order giver. Let him surrender and pray for regular bail which shall be considered by the court below and the court below shall also consider that there was a counter version of the case in which accused persons have been admitted to bail by it.

With the above observations, this petition stands disposed of.

**(Dharnidhar Jha, J)**

B.Kr./-

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