

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7408 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -NAUHATTA District- SAHARSA

=====

1. Bramhadeo Mukhiya Son of Chhutaharu Mukhiya
2. Parmeshwar Mukhiya Son of Ramdev Mukhiya Both Residents of
Village- Dumra Police Station- Nauhatta, District- Saharsa. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 147, 148, 149, 341, 323, 379, 427, 504 and 506 of the Indian Penal Code.

The prosecution case is that on 12.05.2015 in the night the informant, Fuleshwar Yadav, and four other persons were travelling in a van, in the meantime, co-accused Sonam Mukhiya stopped the informant and demanded money for purchasing liquor. Subsequently, the accused persons snatched key of van and took out the gifts items loaded on the van. When the informant made protest then co-accused Sonam Mukhiya assaulted him with iron rod, petitioner No.2, Parmeshwar Mukhiya, gave dagger blow to Rajesh, Brahmddeo Mukhiya, petitioner No.1, and Birendra Sah assaulted Krit Narayan by iron rod as a result of which he received injuries.

It is submitted by the learned counsel for the petitioners

that injuries of all the three injured from the informant side have been found to be simple, except one injury of Krit Narayan, which is found on the wrist. There is counter version of the occurrence being Nauhatta P. S. case No. 123/15 which was initially lodged under section 307, 379 of the IPC but subsequently son of petitioner No.1, Sonam Mukhiya, succumbed to the injuries. Though, accusation of assault has been levelled against petitioner No.1 and Birendra Sah to Krit Narayan but it is not alleged that they made assault on the wrist but only one injury has been found on the wrist of Krit Narayan.

Considering the aforesaid facts and the fact that one person died from the petitioners' side, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saharsa in connection with Nauhatta P.S. Case No. 103 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

BKS/-

U		T	
---	--	---	--