

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35059 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -BIHRA District- SAHARSA

Nunulal Mukhia S/o Katri Mukhiya @ Kapair Mukhia, resident of Village-Sihoul, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the State : Mr. Shyam Bihari Singh, APP
For the Informant : Mr. Shiva Shankar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-10-2016 A supplementary affidavit has been filed on behalf of the petitioner. The same be kept on the record.

Heard learned counsel for the petitioner, the State and the informant.

The petitioner seeks bail in a case instituted for the offences under Sections 307, 341, 342, 324, 326, 504/34 of the I.P.C. Later on, Section 302 of the I.P.C. was added.

Allegation is that the accused persons including the petitioner had assaulted the husband of the informant, namely, Mahendra Kumar and one Raghav Kumar by means of knife, cycle chain, etc, due to which they received severe injury. In course of treatment, husband of the informant died.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 16.5.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The date of occurrence is 28.4.2016, whereas F.I.R. was instituted on 30.4.2016. Delay has not been explained. Specific allegation has been made against one Raj Kumar Mukhia and Shiv Kumar Mukhia. The deceased was assaulted along with his nephew, namely, Raghav Kumar. Deceased succumbed to the injuries and Raghav Kumar was sent for treatment and he survived. His statement has been recorded in paragraph 38 of the case diary. The said witness has not named the petitioner among the persons, who had assaulted the deceased. The wife of Raghav Kumar had filed a separate Complaint case relating to the same occurrence. She has also not named the petitioner.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. and had actively participated in the alleged occurrence, which led to the death of the deceased.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two

sureties of the like amount each to the satisfaction of Sri S.K. Singh, Judicial Magistrate, 1st class, Saharsa in connection with Bihra P.S. case No.59 of 2016.

(Sudhir Singh, J)

Narendra/-

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