

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43685 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

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Buchay Mukhiya @ Buchhi Mukhiya, aged about 50 Years, Son of Late Gulten Mukhiya, Resident of Village- Ufraul, P.S. Ghanshyampur, District Darbhanga.

.... 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.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Ghanshyampur P.S. Case No.67 of 2015 registered under Sections 341, 323, 307, 427, 354 and 379/34 of the Indian Penal Code.

The allegation of the informant Dinesh Mukhiya is that after measurement of the land, he fixed the peg and erected the boundary in an around the land. On 29.03.2015 at about 10.00 A.M., the petitioner alongwith co-accused Chhotkan Mukhiya alias Chhore Mukhiya and Dhuran Mukhiya came there and started to uproot the peg and to abuse. When the informant made protest, then on the order of Chhotkan Mukhiya, this petitioner

gave a Farsa blow causing blood oozing injury on his head and he fell down on the ground. When Rajesh, the brother of the informant, rushed to save him, they assaulted him with bricks and Dhuran Mukhiya caused injury on his shoulder. Sunita Devi, the sister-in-law of the informant was also dashed on the ground by Chhotkan Mukhiya. At that time, Pano Devi and Parmila Devi took away the earrings worth Rs.21000/- of the sister-in-law of the informant and Chhotkan Mukhiya took purse containing Rs.11000/- from the pocket of the informant and cut the 25 banana trees.

Learned counsel appearing on behalf of the petitioner submits that, in fact, due to land dispute, the occurrence took place in which Dhuran Mukhiya, the brother of the petitioner, and his daughter-in-law also sustained injuries regarding which Ghanshyampur P.S. Case No.57 of 2015, on the basis of the written report of Dhuran Mukhiya, the brother of the petitioner, was instituted against the informant and others. Moreover, the injury, as found on the person of the informant, is simple in nature.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)

with two sureties of the like amount each to the satisfaction of Sri
Ajay Kumar, Judicial Magistrate, First Class, Biraul Benipur,
Darbhanga, in connection with Ghanshyampur P.S. Case No.67 of
2015, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

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