

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28588 of 2017

Arising Out of PS.Case No. -47 Year- 2017 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Akhilesh Mukhiya, Son of Shri Kadam Mukhiya, resident of Village-
Nawalpur, Police Station- Yogapatti (Nawalpur), District- West
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Yogapatti (Nawalpur) P.S. Case No. 47 of 2017 for the
offences instituted under Sections 341, 323, 324, 307, 379,
354(B), 447 and 448/34 of the IPC.

The prosecution story, in brief, is that on 10.02.2017 at
11.00 A.M., the informant was sprinkling water in front of his
sweetmeat shop, the accused persons named above came armed
with Lathi, Garasa and started abusing him saying that why the
informant sprinkled water upon the Bolero and went the informant
objected, they thrashed him on the earth and then Akhilesh



Mukhiya assaulted with his Garasa on his head causing cut injury there. On shouting for help of the informant, his mother came to rescue him, then the accused persons on entering in his shop torn her blouse, who became half naked and then the accused persons picked up Rs. 7000/- from the shop.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. Earlier the case was instituted for an offence under Sections 341, 323, 324, 307, 379, 354(B), 447, 448/34 of the IPC. Subsequently, the charge sheet has been submitted vide Annexre-2 to the present application where the same has been submitted for an offence under Sections 447, 448, 341, 323, 354(B) and 504/34 of the IPC. Section 354(B) is only non-bailable offence and rests are bailable offence. Due to previous enmity, the petitioner has falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Yogapatti (Nawalpur)



P.S. Case No. 47/2017 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

