

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25243 of 2017

Arising Out of PS.Case No. -127 Year- 2014 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Shivbachan Mukhiya, Son of Hira Mukhiya.
2. Rabadi Devi @ Savitri Devi, @ Rabedi Devi, Wife of Shivbachan Mukhiya, Both are Resident of Village-Khalwa Tola, Piprahiya, P.S.-Yogapatti (Nawalpur), District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Yogapatti (Nawalpur) P.S. Case No. 127 of 2014, registered under Sections 302 and 379/34 of the Indian Penal Code.

The accusation is that on the date of marriage of Punam Kumari, sister of informant, Chandramani Mukhiya, she was sleeping in front of house in the night of 6/7.06.2014. At about 3 A.M., 10 persons named in the F.I.R. including the petitioners came at the door of the informant and searched him. When they did not find the informant then accused, Bachu Yadav



put the hand at the mouth of Punam Kumari and Mahatam Mukhiya caused injury through Farsa and others had caught hold her legs and hands. The cause of occurrence is land dispute with Mahatam Mukhiya.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that the informant is not the eye witness to the occurrence. The inquest report, which is the part of F.I.R., was prepared at 5 A.M., thereafter, on the basis of written report of informant the present case was lodged against 10 persons named in the F.I.R. including the petitioners. It is further submitted that due to grudge and enmity the petitioners have falsely been implicated in this case without overt act. Further submission is that Raghunandan Mukhiya, who is the grandfather of petitioner no. 1 and the informant, has stated that deceased, Punam Kumari, was of bad character due to that reason petitioner no. 1 tried to convince her and asking to settle her marriage due to that reason he raised suspicion against the petitioner, which would appear to paragraph 7 of the case diary,

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Bettiah, in connection with Yogapatti (Nawalpur) P.S. Case No. 127 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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