

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25150 of 2017

Arising Out of PS.Case No. -8 Year- 2016 Thana -BANGAON District- SAHARSA

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1. SANTOSH MUKHIYA
 2. Laxman Mukhiya, both sons of Dhuniya @ Dhunai Mukhiya,
 3. Subhash Mukhiya @ Subhash Kumar Mukhiya, son of Santosh Mukhiya, all are residents of Village- Gorho Tola, Bangaon Uttar Police Station- Bangaon, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in custody since 26.03.2017 in connection with Bangaon P.S. Case No. 08/16 for offences punishable under Section 307 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was returning to his village and reached near Sahash Bandh Main Road on his motorcycle, all the FIR named accused including the petitioners variously armed with *lathi*, *danda* and iron rod started assaulting him. Petitioner no. 1 assaulted with iron rod over his head, on which he fell down on



the ground. Other co-accused damaged his motorcycle, snatched Rs. 25,000/- from his pocket, wrist watch and golden chain from him. Informant claimed that the occurrence took place on account of previous enmity.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case out of personal enmity, as the petitioners side had lodged Mahila P.S. Case No. 17/16 on the same day regarding some sexual violence against the informant and his accomplices. He submits that the petitioners bear no criminal antecedent, the injury report also does not specify injury on the skull to be of grievous nature and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

Learned counsel for the informant vehemently opposes the prayer for bail stating therein that the two injuries of fracture found on the right and left hand have been found to be grievous as per the medical report.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the period of custody, let petitioners, above named, be enlarged on



bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Saharsa, in connection with Bangaon P.S. Case No. 08/16.

(Nilu Agrawal, J)

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