

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40953 of 2018**

Arising Out of PS.Case No. -157 Year- 2017 Thana -MANIGACHI District- DARBHANGA

- =====
1. Shivanand Mukhiya, S/o Laxman Mukhiya,
  2. Durga Nand Mukhiya S/o Laxman Mukhiya, Both are R/o Vill.- Vishatha, P.S.- Manigachhi, District- Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Ranjan

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      11-07-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners are languishing in judicial custody since 20.03.2018 in connection with Manigachhi P.S. Case No. 157 of 2017 for offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he had gone to friend's house for studying and had gone outside house for natural call, the petitioner along with two other co-accused assaulted him by means of lathi, danda and when family members and friend came for rescue they were also



assaulted.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case due to some dispute for drainage water as they are neighbours. He further submits that the injury found on the informant although grievous in nature as per medical opinion but it is not specific. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners were mainly responsible for assaulting the informant and the injury on the informant is on the vital part of the body.

Considering the facts and circumstances and the materials on record as well as the undertaking of the petitioners, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 5<sup>th</sup>, Darbhanga in connection with Manigachhi P.S. Case No. 157 of 2017 , subject to the conditions that:

(1) One of the bailors would be a close relative of the



petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(2) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

**(Nilu Agrawal, J)**

Devendra/-

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