

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5090 of 2018

Arising Out of PS.Case No. -99 Year- 2017 Thana -PUPRI District- SITAMARHI

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Satto Mukhiya, S/o Sukeshwar Mukhiya, R/o Village- Choraut North ,
Ward No.7, P.S.- Pupri, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 326, 307/34 of the IPC
and 37(b) (c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 26.03.2017,
this petitioner called Ramesh Mukhiya, son of the informant, from
his house at the Aaganbari Centre. Thereafter, co-accused
Krishnanandan Mukhiya and this petitioner caused injury on the
back and neck on the informant's son with knife. As a result, he
sustained injury. In that course, Krishnanandan Mukhiya also caused
injury to this petitioner with knife. He also sustained injury. It is
also alleged that due to scuffle between the children, this



occurrence took place. Co-accused Krishnandan Mukhiya was also in drunken state.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The name of the petitioner has come with an allegation that in drunken state, he had assaulted the son of the informant. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has been made accused in the present case due to village politics. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Pupri at Sitamarhi,



in connection with Pupri P.S. Case No. 99 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

