

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75835 of 2018**

Arising Out of PS. Case No.-149 Year-2018 Thana- KISHUNPUR District- Supaul *

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Raja Mukhiya @ Raj Kumar Mukhiya Son of Upendra Mukhiya, Resident of
Village-Saraygarh, Ward No.15, P.S. Kishanpur, Distt.-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 14-03-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 341, 323, 324, 325, 379, 447, 448,
354B, 307, 504, 506/34 IPC registered in connection with Kishanpur P.S.
Case No. 149/2018.

3. It is submitted that the petitioner has been falsely implicated
in the backdrop of ongoing dispute between the parties and in which
the father of the petitioner, co-accused Upendra Mukhiya had lodged
Kishanpur P.S. Case No. 144 of 2014 against the informant and her
husband. It is therefore, evident that the present FIR is retaliatory and
exaggerated. The accusation of assault by co-accused persons
including the petitioner with iron rod could not be corroborated with
the injury report which merely shows bruise with swelling. The
petitioner claims clean antecedents.

4. Learned APP invites reference to the injury report in the case
diary which shows bruise with swelling on the right elbow, but opinion
has been reserved and the matter referred to Sadar Hospital, Supaul.

5. Be that it may, in the event of petitioner's arrest or surrender
within four weeks hereof let the above named petitioner be released



on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 149/2018 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail shall be confirmed upon verification that the informant's mother-in-law, Saro Devi has not sustained any serious injury, otherwise, the provisional bail shall stand cancelled.

(Vikash Jain, J)

Chandran/-

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