

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45572 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MURLIGANJ District- Madhepura

SUDHIR MUKHIYA, aged about 28 years, Gender-Male, Son of Gopal Mukhiya, Resident of Village - Rampur, Ward No. 5, P.S.- Murliganj, District-Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shailendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2019 Heard learned counsels for the petitioner, informant and learned A.P.P. for the State.

The petitioner is languishing in custody since 14.01.2019 in a case for the offence registered under Sections 147, 148, 149, 341, 323 and 302 of the IPC.

The prosecution story, in brief, is that on 07.01.2019, under B.P.L. Scheme, one Yogendra Mukhiya was unloading the earth soil at the *Darwaza* of the informant through his Tractor and same was stopped after unloading 10 Tailors of earth soil whereas he has to unload 60 Tailors and after some altercation, informant snatched the key of Tractor from Yogendra Mukhiya due to which, F.I.R. named accused persons including the petitioner came to his *Darwaza* with Lathi, Danda and started



assaulting the informant and his elder brother Raj Kumar Mukhiya due to which, brother of informant, namely, Raj Kumar Mukhiya died at his *Darwaza*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner and other accused persons for assaulting the deceased with Lathi and Danda. From the postmortem report, it appears that there is only one singal external injury caused by hard and blunt substance. The allegation of indiscriminate assault does not corroborate with the postmortem report.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 C.J.M. Madhepura, in connection with Murliganj P.S. Case No. 09 of



2019.

(Sudhir Singh, J)

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