

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63346 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- CHORAUT District- Sitamarhi

SURENDRA MUKHIA Son of Saini Mukhia @ Seni Mukhiya Resident of
Village - Parigama, P.S.- Chourout (Choraut), District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-11-2019 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks bail in connection with Chourout
(Choraut) Police Station Case No. 04 of 2018, registered for the
offence punishable under Sections 341/323/324/325/307/34 of
the Indian Penal Code.

The allegation against the petitioner is that he
assaulted the brother of the informant, Panchu Mukhia, by
means of garasa, causing him injuries.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case due to
village politics and the occurrence has taken place on a trivial
issue and both the parties are co-villagers. He further submits



that though the allegation upon the petitioner is of assaulting the brother of the informant by garasa, the injuries sustained by the injured have been found to be caused by hard and blunt substance and referring to Annexure-2 (injury report), he submits that all the injuries, except injury no. 1, have been found to be simple in nature and the injury no. 1 has been opined to be dangerous to life. He further submits that in connection with the case, the petitioner is in custody since 02.08.2019.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner has assaulted the brother of the informant by means of garasa on his head, causing injuries to him, which has been opined by the doctor as dangerous to life.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and the injuries sustained by the injured has been found to be caused by hard and blunt substance and all the injuries have been found to be simple in nature except injury no. 1 and the petitioner is in custody since 02.08.2019, I am inclined to enlarge the petitioner on bail.

This application is, accordingly, allowed.



Let the petitioner, Surendra Mukhia, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri, at Sitamarhi in connection with Chourout (Choraut) Police Station Case No. 04 of 2018.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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