

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75805 of 2019**

Arising Out of PS. Case No.-121 Year-2016 Thana- MAHISHI District- Saharsa

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Durga Mukhiya Son of Late Rameshwar Mukhiya Resident of Village-  
Lakshmipur Ghaure, Police Station-Mahishi and District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Verma, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      27-11-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner apprehends his arrest in **Mahishi P.S.**  
**Case No. 121 of 2016**, registered for the offences punishable  
under Sections 147, 148, 149, 341, 323, 324, 307, 354, 504 and  
506 of the Indian Penal Code.

Petitioner is alleged to have given Dabia blow on the  
head of Chandra Kishore Mukhiya (Informant's son).

It is submitted by learned counsel appearing on behalf  
of petitioner that petitioner has falsely been implicated in this  
case. There is case and counter case. Both sides sustained injury.  
Petitioner also sustained injury in the same occurrence.  
Moreover, injury caused by the petitioner found to be simple in  
nature. Petitioner has got clean antecedent.

Considering the facts aforesaid and the fact that there  
is case and counter case and injury sustained by the son of



informant is simple in nature, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Saharsa** in connection with **Mahishi P.S. Case No. 121 of 2016**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Prabhat Kumar Singh, J)**

vinita/-

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