

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73144 of 2019**

Arising Out of PS. Case No.-173 Year-2019 Thana- BAIRIYA District- West Champaran

1. GYANI MUKHIYA Son of Late Ramayan Mukhiya Resident of Village-Laukariya Musahari Tola, P.S.-Bairiya, District-West Champaran.
2. Bagar Mukhiya @ Bagad Mukhiya Son of Late Ramayan Mukhiya Resident of Village-Laukariya Musahari Tola, P.S.-Bairiya, District-West Champaran.
3. Jatahi Devi Wife of Gyani Mukhiya Resident of Village-Laukariya Musahari Tola, P.S.-Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      21-11-2019                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bairiya P.S. Case No. 173 of 2019 registered under Sections 147, 148, 149, 447, 448, 341, 323, 324, 325, 307, 354, 379, 427, 504 and 506 of the Indian Penal Code.

The accusation is that early in the morning on 03.06.2019, six persons, named in the first information report, including the petitioners, along with 4-5 unknown, variously armed with weapons, entered in the house of the informant, Vishwabahadur Mukhiya. Sunny Mukhiya gave the farsa blow



at the fore-head of the informant and Dinesh Mukhiya caused fracture injury to Birendra Mukhiya, brother of the informant, through iron rod. Bagad Mukhiya and Dharam Mukhiya, with bad intention, torn the clothes of his wife. However, Sundar Pati Devi rushed to save his wife, then, Jatahi Devi, petitioner no. 3, snatched the gold chain. Gyani Mukhiya (petitioner no. 1) took the cash of Rs.5,000/- and gold chain and Dharam Mukhiya and Bagad Mukhiya took the silver ornament.

Submission is that it would appear from the first information report that petitioner no. 1, Gyani Mukhiya, had given the farsa blow at the head of the informant, but, the injury was found simple in nature and no injury was found against others, except Birendra Mukhiya, brother of the informant, which is said to be grievous in nature, attributed against Dinanath Mukhiya, who is not the petitioner in the present case. Further, submission is that occurrence took place due to land dispute, as the petitioners are pattedar. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bairiya P.S. Case No. 173 of 2019 shall be



released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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