

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4573 of 2020**

Arising Out of PS. Case No.-392 Year-2019 Thana- BAKHTIARPUR District- Saharsa

1. Kailash Mukhiya, Male, aged about 45 years, Son of Late Rameshwar Mukhiya @ Bucho Mukhiya, Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
2. Bipin Mukhiya, Male, aged about 25 years, Son of Kailash Mukhiya Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
3. Raj Kumar Mukhiya, Male, aged about 27 years, Son of Late Bino Mukhiya Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
4. Shiv Kumar Mukhiya, Male, aged about 26 years, Son of Late Bino Mukhiya, Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
5. Pappu Mukhiya, Male, aged about 22 years, Son of Prabhu Mukhiya Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
6. Rajesh Mukhiya, Male, aged about 32 years, Son of Anup Mukhiya Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.
7. Saroj Mukhiya, Male, aged about 30 years, Son of Late Jagdish Mukhiya Resident of Village - Chaprav Tola Andheri, Balwahat O.P., Police Station - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Shekhar, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP.

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

2      29-02-2020

Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 342, 323, 324, 384, 307, 427, 354, 380, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Sujit



Kumar submitted before the S.H.O., Police Station, Balbahat, is to the effect that on 13.10.2019 at about 07:30 A.M., twelve F.I.R. named accused persons including the petitioners and twenty two unknown came variously armed and surrounded the house of the informant, whereupon co-accused Ramchandra Mukhiya assaulted on the head of the father of the informant with a farsa causing bleeding injury and when the other family members of the informant came to rescue, they were also assaulted by the accused persons. It is further alleged that co-accused Ramchandra Mukhiya took away cash amount of Rs. 50,000/- and jewellery worth Rs. 70,000/- from the house of the informant.

It is submitted by learned counsel for the petitioners that omnibus and general accusation has been made against the petitioners. Only two injuries have been found grievous and out of two, one injury is alleged to have been caused to the father of the informant by co-accused Ramchandra Mukhiya while the other injury is alleged to have been caused to Niranjana by four accused persons including petitioner nos. 6 and 7. Moreover, there is a counter version of the occurrence, being Bakhtiyarpur (Balbahat O.P.) Police Station Case No. 393 of 2019 lodged by Rita Devi wife of co-accused Kailash Mukhiya against the petitioners. A statement has been made in paragraph no. 3 of the



petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that though the accusation of assault against the petitioners is general and omnibus but one grievous injury at the hands of the petitioners has been caused.

Considering accusation of assault being omnibus and general against the petitioners, there being a counter version of the occurrence coupled with statement made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur (Balbahat O.P.) P.S. Case No. 392 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Rahul/Gautam

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