

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27119 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- CHORAUT District- Sitamarhi

1. GELWA MUKHIYA @ SITASHARAN MUKHIYA S/o Ramchandra Mukhiya Resident of Village and Police Station-Choraut, District-Sitamarhi.
2. Jitan Mukhiya S/o Ram Ashish Mukhiya Resident of Village and Police Station-Choraut, District-Sitamarhi.
3. Bhikhari Mukhiya S/o Laxmi Mukhiya Resident of Village and Police Station-Choraut, District-Sitamarhi.
4. Ram Pravesh Mukhiya @ Ram Prakash Mukhiya S/o Bhikhari Mukhiya Resident of Village and Police Station-Choraut, District-Sitamarhi.
5. Ram Jalam Mukhiya @ Ram Janam Mukhiya S/o Bhikhari Mukhiya Resident of Village and Police Station-Choraut, District-Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate.
For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-11-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before



the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 & 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that when the husband of the informant went to Bhikhari Mukhiya for demanding Rs.60,000.00 which was given to him for filling the soil, all the accused persons started assaulting to her husband. Ram Jalam Mukhiya caused injury on the head of the husband of the informant by rod. Bhikhari Mukhiya caused injury by bamboo on the feet and back of the husband of the informant. Jitan Mukhiya tried to caused injury by knife on the husband of the informant but her husband bent upon and other accused persons started assaulting him by bricks, stones, fist and kick. Jitan Mukhiya snatched away Rs.30,000/- from the pocket of her husband, one samsung mobile and hanumani.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, the present case is counterblast of case bearing Choraut



P.S. Case No.49 of 2020 lodged by Bhikhari Mukhiya against Rakesh Thakur @ Manish Thakur and in the said occurrence the Bhikhari Mkhiya and Jitan Mukhiya have received grievous injuries. The injury sustained by the victim is simple in nature. The husband of the informant has fell down in the condition of intoxication and received some injury and allegation of causing injury upon him is totally baseless and false. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Pupri, Sitamarhi in connection with Choraut P.S. Case No.48 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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