

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85498 of 2019

Arising Out of PS. Case No.-439 Year-2019 Thana- CHIRAIYA District- East Champaran

1. Dasai Mukhiya, Son of Late Gopal Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.
2. Laxman Mukhiya Son of Late Chalitar Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.
3. Mukesh Mukhiya Son of Laxman Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.
4. Rukesh Mukhiya Son of Laxman Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.
5. Raja Mukhiya Son of Laxman Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.
6. Gudar Mukhiya Son of Mohit Mukhiya Resident of Village - Bara Jairam, P.S- Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 15-06-2020

Heard learned counsel for the parties.

Mr. Umesh Chandra Verma, learned advocate for the petitioners informs this Court that during the pendency of this petition, Rajesh Mukhiya (petitioner no. 4) was arrested. His petition for anticipatory bail, therefore, has become infructuous.

The application with respect to Rajesh Mukhiya is dismissed as having become infructuous.

The petitioners seek bail in anticipation of their



arrest in connection with Chiraiya P.S. Case No. 439 of 2019 dated 28.08.2019 instituted for the offences under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

Specific act of assault has been attributed against Laxman Mukhiya, Mukesh Mukhiya and Rukesh Mukhiya.

So far as petitioner no. 1 Dasai Mukhiya, petitioner no. 5 Raja Mukhiya and petitioner no. 6 Gudar Mukhiya are concerned, there is no specific accusation against them.

Considering the nature of accusation against petitioners Laxman Mukhiya, Mukesh Mukhiya and Rukesh Mukhiya, I am not inclined to grant anticipatory bail to them.

Accordingly, prayer for bail on behalf of petitioners Laxman Mukhiya, Mukesh Mukhiya and Rukesh Mukhiya is rejected.

However, if they surrender before the court below, their petitions shall be considered without being prejudiced by the fact that, the present petition has not been entertained.

The petitioners viz. Dasai Mukhiya, Raja Mukhiya and Gudar Mukhiya are directed to be released on bail, in the event of their arrest or surrender before



the court below within a period of six weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champarn in connection with Chiraiya P.S. Case No. 439 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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