

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11572 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BHIMPUR District- Supaul

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1. UMESH MUKHIYA S/o Rambilash Mukhiya R/o village- Jiwachpur, P.S.- Bhimpur, District- Supaul
 2. Rambilash Mukhiya S/o Late Jahuri Mukhiya R/o village- Jiwachpur, P.S.- Bhimpur, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 23-12-2021 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 324, 325, 307, 354, 379 and 504 of the Indian Penal Code, registered in connection with Bhimpur P.S.Case No.35 of 2020.

As per the allegation, all the accused persons including the petitioners were constructing a house on the land of the informant America Devi. On protest, they badly assaulted



the informant and her family members. The allegation against petitioner no.2 is that he assaulted the informant on her head by a *farsa*. When the informant warded off the infliction, her three fingers were cut. The allegation against petitioner no.1 is that he assaulted the daughter of the informant Anjana Kumari with iron rod on her leg and she sustained fracture injury.

Learned counsel for the petitioners has submitted that other co-accused persons have been granted bail. He has also submitted that the weapon used as per the FIR was a sharp-cutting weapon, which is not tallied with the injury report as it has been mentioned as hard and blunt substance.

The injury report of America Devi has been annexed as Annexure-2, which shows that she has sustained as many as four injuries amongst which fourth is grievous in nature. The author of these injuries is petitioner no.2 Rambilash Mukhiya. As such, this Court is not inclined to grant the privilege of anticipatory bail to him. His prayer for bail is hereby **rejected**.

So far as petitioner no.1 Umesh Mukhiya is concerned, there is allegation that he assaulted Anjana Kumari, whose injury has been annexed as Annexure-3, who sustained simple injury.

Considering the aforesaid facts, let the petitioner no.1



above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Supaul in connection with Bhimpur P.S.Case No. 35 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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