

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36905 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. KAILASH MUKHIYA SON OF MOHIT MUKHIYA Resident of Village-
Hathouri, P.S.- Kusheshwar Asthan, District- Darbhanga.
 2. MOHIT MUKHIYA Son of Mishri Mukhiya Resident of Village- Hathouri,
P.S.- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioners and the
State.

Petitioners seek regular bail in a case registered for
the offence punishable under Section 307, 379 and some other
minor Sections of the Indian Penal Code.

As per the prosecution case, on 05.07.2019 at about 8
AM, all the FIR named accused persons, including these
petitioners, variously armed, came on the land of informant and
started constructing house. On protest, co-accused, Jai Prakash
Mukhiya, with intention to kill, assaulted the informant with
Farsa on his head as a result of which the informant sustained
injuries. It is further alleged that when uncle and cousin of



informant came to save, these petitioners assaulted uncle of informant with iron rod on his head. Co-accused Ramashish Mukhiya and Upendra Mukhiya assaulted the brother of informant. On alarm being raised, all the accused persons fled away.

It is submitted that there is case and counter case in which both sides sustained injuries. The scuffle took place due to land dispute. It is further submitted that as per FIR both these petitioners are alleged to have assaulted the uncle of informant with iron rod on his head but the doctor found only one injury on the head of uncle of informant. Petitioners are in custody since 12.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, 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 Additional Chief Judicial Magistrate-IV, Biraul, Darbhanga in connection with Kusheshwar Asthan PS case No. 175/2019 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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