

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35142 of 2020

Arising Out of PS. Case No.-39 Year-2016 Thana- PAKRIDAYAL District- East
Champaran

- =====
1. RAMASHISH MUKHIYA SON OF LATE RAMDENI MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 2. BINOD MUKHIYA SON OF RAMASHIS MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 3. KISHORE MUKHIYA SON OF RAMASHIS MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 4. KEDAR MUKHIYA SON OF BHUNESHWAR MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 5. BHUNESHWAR MUKHIYA SON OF RAMASHIS MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 6. BUNNILAL MUKHIYA SON OF BHUNESHWAR MUKHIYA RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 7. BHARAT SAHANI SON OF DEEPA SAHANI RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN
 8. VIJAY SAHANI SON OF DEEPA SAHANI RESIDENT OF VILLAGE - HARAK BARA TOLA PHULWAR, P.S. - PAKARIDAYAL, DISTRICT - EAST CHAMPARAN

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Pratik Tandon
For the Opposite Party/s : Mr. Akshay Lal Pandit

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-03-2021

Heard Mr. Pratik Tandon, learned counsel for the



petitioners and Mr. Akshay Lal Pandit, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Pakaridayal P.S. Case No. 39 of 2016 instituted for the offence under Sections 147, 148, 149, 341, 323, 379, 504 and 506 of the Indian Penal Code.

It has been alleged in the First Information Report that the nephew and the sons of the informant were assaulted by the petitioners.

Learned counsel for the petitioners has submitted that the present case is only a counter blast to Pakaridayal P.S. Case No. 37 of 2016, which has been lodged against the informant and others. The parties are agnates and because of some dispute, the present case has been filed.

There is no specific accusation against the petitioner nos. 1, 4, 5, 7 and 8, whereas petitioner nos. 2, 3 and 6 are said to have assaulted the victims.

Though the learned counsel for the petitioners has submitted that the assault is stated to have been made by means of farsa which is a sharp cutting weapon but the



injuries suffered by the victims are in the nature of lacerated wounds which may be caused by hard an blunt substance but regard being had to the fact that three persons have received injuries, I am not inclined to grant anticipatory bail to petitioner nos. 2/ Binod Mukhiya, 3/Kishore Mukhiya and 6 / Bunnilal Mukhiya @ Munnilal Mukhiya.

Their applications for grant of anticipatory bail is rejected with the observation that in case, they surrender before the Court below and seek bail, their petitions shall be considered on its own merits, without being prejudiced by the fact that their petition for grant of anticipatory bail has not been entertained by this Court.

But considering the omnibus nature of accusation against petitioner nos. 1/ Ramashish Mukhiya @ Ashish Mukhiya, 4/ Kedar Mukhiya, 5/Bhuneshwar Mukhiya, 7/ Bharat Sahani and 8/ Vijay Sahani, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Pakaridayal P.S. Case No. 39 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

While saying so this Court has also taken note of the fact that the petitioner nos. 1, 4, 5, 7 and 8 do not have criminal antecedents.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

