

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38351 of 2020

Arising Out of PS. Case No.-163 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. SHIVJI MUKHIYA Son of Phooleshwar Mukhiya Resident of Village - Usri, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.
 2. PAPPU MUKHIYA Son of PHOOLESHWAR MUKHIYA Resident of Village - Usri, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.
 3. LALLU MUKHIYA Son of PHOOLESHWAR MUKHIYA Resident of Village - Usri, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Iqbal Asif Niazi
For the State	:	Mr. Rajeev Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehends their arrest in connection with K. Asthan P.S. Case No.163 of 2020 registered under Sections 341, 323, 307, 324, 379 and 504/34 of the Indian Penal Code.



The accusation is that there was land dispute in between the parties regarding which Panchayati was arranged, due to that reason, the dispute was going on. On 06.06.2020 in the morning, the child of Phooleshwar Mukhiya discharged the stool in the filed of the informant. When the informant asked to remove the same, then Phooleshwar Mukhiya, Shivji Mukhiya (petitioner no.1), Pappu Mukhiya (petitioner no.2) and Lallu Mukhiya (petitioner no.3) started to abuse to the informant and having Dabia, Khanti, rod and Fatta caused blood oozing injury to the informant . At that time, Phooleshwar Mukhiya through Dabia, Suben Mukhiya through Khanti, Shivji Mukhiya (petitioner no.1) through rod, Pappu Mukhiya (petitioner no.2) and Lallu Mukhiya (petitioner no.3) through Fatta caused injury to the informant, due to which the informant fell down. Phooleshwar Mukhiya took the cash Rs.3000/- from the pocket of the informant.

Learned counsel for the petitioner submits that due to land dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of Droupati Devi, the mother of the petitioners, K. Asthan P.S. Case No.165 of 2020 was also instituted against the prosecution party. Further



submission is that it would appear from the injury report of the informant that out of the four injuries, except injury no.1, which is cut wound on the top of skull and is said to be caused by sharp cutting weapon is attributed to Phooleshwar Mukhiya and Suben Mukhiya, other injuries are simple in nature.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Biraul, Darbhanga, in connection with K. Asthan P.S. Case No.163 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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