

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.180 of 2021

Arising Out of PS. Case No.-392 Year-2019 Thana- BAKHTIARPUR District- Saharsa

RAMCHANDRA MUKHIYA SON OF LATE RAMESHWAR MUKHIYA @
BUCHO MUKHIYA, RESIDENT OF VILLAGE - CHAPRAW, TOLA -
ANDHRI, POLICE STATION - BAKHTIYARPUR (O.P. BALWAHAT),
DISTRICT - SAHARSA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2021 Heard learned counsel for the petitioner and Ms. Asha
Devi, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case
No. 392 of 2019 registered for the offence under Sections 447,
341, 342, 323, 324, 384, 307, 427, 354, 380, 506, 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is alleged to be involved in assaulting the informant's
father by a farsa. It is also alleged that the petitioner entered into
the house of informant and took away cash of Rs. 50,000/- and
jewelries of Rs. 70,000/-.

Learned counsel submits that the petitioner is



innocent and has been falsely implicated in this case due to land dispute. Learned counsel submits that the petitioner has voluntarily surrendered and is in custody since 13.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the only injury said to have been caused by this petitioner by farsa has been reportedly caused by hard and blunt substance, the submission that earlier his prayer for anticipatory bail was though rejected by this Court, this is the prayer for regular bail and petitioner has remained in custody in connection with the present case for over six months, he has otherwise no criminal antecedent, in the nature of materials placed before this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 392 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

