

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7251 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- KISHUNPUR District- Supaul

1. Shrawan Mukhiya, son of Ramgulam Mukhiya
2. Sumitra Devi, wife of Soman Mukhiya,
Both 1 and 2 resident of village - Dighiya (Ward No. 11) P.S.- Kishanpur,
District - Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Arun Kumar Jha, Advocate
For the Informant	:	Mr.Shyam Sundar Pandey, Advocate
For the State	:	Mr. Ram Chandra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-12-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Ram Chandra Singh, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Kishanpur P.S. Case No. 116 of 2020 registered for the offences punishable under Sections 341, 323, 324, 447, 448, 307, 379, 354, 504, 506 and 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 13.05.2020 at about 6:30 P.M. all the accused persons armed with Lathi, Danda and spade came at his field and started cutting Banana tree and while objecting the same,



they attacked upon his son with an intention to kill him, but anyhow he saved his neck but caused grievous injuries on his leg, thereafter his son fell down on the earth. The informant further alleged that on hearing the noise, his wife and daughter and other villagers came there, in the meantime, all the accused persons entered inside his house and committed theft of Rs. 25,000/-, one golden chain etc. and fled away.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, there is land dispute between the parties and they are next door neighbours.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the materials placed before this court showing that the parties are next door neighbours and they seem to have indulged into a scuffle over cutting of the Banana tree, the specific allegation of causing assault is against the co-accused Santosh Mukhiya, there is no allegation that these two petitioners had either instigated or had in any way actively participated in the alleged occurrence, further they have no criminal antecedent and the dispute has taken place over cutting of the tree which is said to be in between the houses of the two



families, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 116 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

