

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12056 of 2022

Arising Out of PS. Case No.-158 Year-2020 Thana- Benipatti District- Madhubani

Akhilesh Mukhiya Son of Sri Suresh Mukhiya Resident of Village - Benta,
P.s.- Beniapatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24885 of 2022

Arising Out of PS. Case No.-158 Year-2020 Thana- Benipatti District- Madhubani

Guriya Devi Wife of Akhilesh Mukhiya Resident of village - Behata, P.S.-
Benaipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12056 of 2022)

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP
(In CRIMINAL MISCELLANEOUS No. 24885 of 2022)

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Benipatti P.S. Case No. 158 of 2020 lodged under Sections 448,

341, 323, 307, 302, 380, 427, 504, 34 of the I.P.C.

As per the prosecution case, the allegation of assault is upon petitioner of Cr. Misc. No. 12056 of 2022 for land dispute along with two other accused persons, due to such assault the death was caused during the treatment.

Learned counsel for the petitioners submits that petitioner is in custody since 07.07.2020, charge sheet has already been filed in this case and he having clean antecedent.

Learned counsel for the petitioner of Cr. Misc No. 24885 of 2022 submits that present petitioner has been made accused only due to the reason that she is wife of Akhilesh Mukhiya (the petitioner of Cr. Misc No. 12056 of 2022). He further submits that there is nothing specific against this petitioner and she is in custody since 29.12.2021 having clean antecedent.

Learned counsel for the petitioners submits that there were specific allegation against three persons namely Ram Sanahi Mukhiya, Akhilesh (the present petitioner) and Vishunath. He submits that Ram Sanahi Mukhiya was granted bail by the Co-ordinate Bench of this Court vide order dated 12.07.2022 passed in Cr. Misc No. 586 of 2022.

Learned counsel for the State opposes the prayer for

bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Benipatti, District - Madhubani in connection with Benipatti P.S. Case No. 158 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of their bail bonds.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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