

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22019 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- JOGAPATTI District- West Champaran

1. MANOJ KUMAR MUKHIYA S/o Chandmal Mukhiya R/o village- Pradraun, P.S.- Yogapatti, District- West Champaran
2. Chandmal Mukhiya S/o Late Bagad Mukhiya R/o village- Pradraun, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-09-2022 Heard Mr. Sachida Nand Rai, learned counsel for the petitioner and learned APP for the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The case is registered under Sections 341, 323, 324, 307, 447, 302, 504, 34 of the IPC in connection with Yogapatti P.S. Case No.442 of 2021.

On 21.07.2022, this Court had call for the case diary which has since been received.

As per the prosecution story, there is dispute relating to land and earlier there was hot discussion of the accused persons with the informant which led to assembly of all the



accused persons half an hour later. It has been alleged that after abusing the accused Raja Kumar @ Ashish Kumar and Muntun Kumar @ Mithilesh Kumar gave repeated knife blow to their family members which led to death of Parsan Mukhiya and Ramayan Mukhiya. Accordingly, the FIR was lodged.

Mr. Sachida Nand Rai, learned counsel who is representing the petitioner submits that a bare perusal of para-10 of the case diary would show that the informant in his subsequent statement has named only Raja Kumar @ Aashish Kumar as the person who gave knife blow to his father and uncle in the stomach and chest respectively causing serious injuries to them which prove fatal.

So far as the petitioners are concerned, learned counsel submits that there is nothing recorded in the statement of the informant about any allegation against them and an omnibus allegation has been made against the accused persons including them of assault to other injured persons.

Taking into account the aforesaid fact that the informant in his subsequent statement has attributed the role of giving blow to his father and uncle to Raja Kumar @ Aashish Kumar and so far as these petitioners are concerned, omnibus allegation has been made of assaulting the other accused



persons, they are in custody since 14.10.2021 (as stated in para-9 of the bail application) and have no criminal antecedent, this Court is inclined to grant them privilege of bail. However, if it is found that they do have criminal antecedent, this bail order shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Yogapatti P.S. Case No.442 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month till the conclusion of the Trial to mark their presence;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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