

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31523 of 2022

Arising Out of PS. Case No.-441 Year-2018 Thana- ALOULI District- Khagaria

1. GURUDEO MUKHIYA Son of Baldeo Mukhiya Resident of Village- Manikchak, Ukhraura, P.S.- Alauli (Bahadurpur), District - Khagaria.
2. Kundan Mukhiya Son of Gurudev Mukhiya Resident of Village - Manikchak, Ukhraura, P.S.- Alauli (Bahadurpur), District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 1, Gurudeo Mukhiya has been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to petitioner no. 1. He therefore, seeks permission to withdraw this petition with respect to petitioner no. 1.



In view of above submission, **this criminal miscellaneous petition is dismissed as withdrawn with respect to petitioner no.1.**

So far as **petitioner no. 2 is concerned**, he apprehends his arrest in connection with Alauli (Bahadurpur) P.S. Case No. 441 of 2018, registered for offence punishable under sections 341, 323, 302, 379, 504 and 34 of the Indian Penal Code.

As per allegation, on 18.12.2018 at 7:00 P.M., the present petitioner along with Gurudeo Mukhiya, Jitendra Mukhiya and Umesh Mukhiya badly assaulted the father-in-law of the informant, Shiv Narayan Mukhiya after riding on his chest. Her father-in-law vomited in blood and he died during course of treatment.

The learned counsel for the petitioner has submitted that there is delay of four days in lodging the FIR. He has submitted further that the petitioners are innocent and have falsely been implicated in this case.

The petitioners are named in the FIR. As per allegation, they along with other co-accused persons badly assaulted the father-in-law of the informant after riding on his chest and he died during course of treatment. The witnesses in



paragraph nos. 10, 11, 12 and 13 of the case diary, as mentioned in the impugned order, have supported the occurrence.

In my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

