

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33929 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. DAYAKANT MUKHIYA Son of Dhokai Mukhiya Resident of Village -
Khetas Kalna, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.
 2. BUAGWAN LAL MUKHIYA Son of Changuli Mukhiya Resident of Village
- Khetas Kalna, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv

For the Opposite Party/s : Mr. Rajeev Nayan App, 231, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Vide order dated 06.07.2022, the bail application on
behalf of the petitioner no.2 was dismissed as withdrawn, as
such today this application is being heard for consideration
of anticipatory bail on behalf of petitioner no.1 only.

The petitioner apprehends his arrest in connection
with Kusheshwar Asthan P.S. Case No. 65 Of 2022 for the
offences punishable under Sections 147, 341, 323, 307, 379,
504 and 506 of the Indian Penal Code and the case is
pending in the Court of Learned A.C.J.M. IV, Biraul,



Darbhanga.

The allegation against the petitioner is that he along with other accused persons have indiscriminately assaulted the informant by means of lathi, danda, legs and pharsa due to which he sustained injuries.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties. In the alleged occurrence, both parties sustained injuries and the injuries are simple in nature. Petitioner has no criminal antecedent, as also mentioned in paragraph-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is case and counter-case and the injuries are simple in nature, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kusheshwar Asthan P.S. Case No.65 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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