

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46281 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- SRINAGAR District- West Champaran

CHHATHU MUKHIYA S/o LATE DARSHAN MUKHIYA R/o VILLAGE-
BHAVANIPUR, NAYA BASTI, WARD No. 5, P.S-SHRINAGAR
(PUJAH), DISTRICT-WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 302 and
504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.02.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that the petitioner started
abusing the brother of the informant Munna Yadav on account
of dispute relating to cricket match and when his brother went to
meet the petitioner then the petitioner along with other named



accused persons assaulted him with lathi. Further, when the father of the informant went to pacify the situation, the petitioner assaulted him by lathi on which his father fell down, became unconscious and thereafter all the accused persons assaulted. It is further alleged that father of the informant was declared broad dead by the hospital.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. From perusal of the allegation as alleged in the FIR, it would manifest that general and omnibus allegation of assault is alleged i.e. no specific allegation of assault is there. Learned counsel further submits that the informant in his further statement recorded under Section 161 Cr.P.C. has stated that father of the informant fell on a bamboo clump on account of which he sustained injury on left eye and right side of the neck and the injury is in nature of abrasion. It is further submitted that even the postmortem report confirms what the informant in his reinstatement has stated.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 09.02.2021, is a person with clean antecedent and charge-



sheet has been submitted and taking into consideration the reinstatement of the informant in para 11 of the case diary, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shrinagar (Pujaha) P.S. Case No. 22 of 2020.

(Satyavrat Verma, J)

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