

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38352 of 2022

Arising Out of PS. Case No.-564 Year-2021 Thana- JOGAPATTI District- West Champaran

1. Mohan Mukhiya Son of Late Mashraf Mukhiya @ Moshraf Mukhiya R/O Village- Harpurwa, P.S.- Yogapatti, Distt.- West Champaran
2. Mahendra Mukhiya Son of Mohan Mukhiya R/O Village- Harpurwa, P.S.- Yogapatti, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan App,231, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Yogapatti P.S. Case No. 564 of 2021 registered for the offence under Sections 341/323/324/307/504/379/354 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is in custody since 10.04.2022.

The allegation against the petitioners is to assault



informant and others, along with other co-accused persons causing grievous injury with intention to cause death, while equipped with deadly weapons like, lathi, rod etc.

Learned counsel appearing on behalf of the petitioners submitted that the occurrence is nothing but a free fight where both parties received injuries and as such it can be safely gathered that petitioners were not under intention to cause death. It is further submitted that occurrence is founded over land dispute. It is also submitted that the grievous injury, which was found upon one of the injured is on the non-vital part whereas, rest of the injuries are simple. While concluding the argument, it has been submitted that for the same set of occurrence, the case was also lodged by these petitioners, who are men of clean antecedent and moreover, investigation of this case has been completed, for which charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the occurrence is free fight in nature, negating intention which is founded over land dispute coupled with the fact that injury received is on non-vital part, let the both petitioners, above named, are directed to be released on bail in



connection with Yogapatti P.S. Case No. 564 of 2021 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Bettiah, West
Champaran/concerned court, subject to the conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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