

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38378 of 2022

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

1. JITENDRA MUKHIYA Son of Gurudeo Mukhiya Resident of Village - Manikchak, Ukhraura, P.S. Alauli (Bahadurpur), District - Khagaria.
2. Umesh Mukhiya son of Baldeo 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, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 302, 379, 504 and 34 of the Indian Penal Code.

The informant alleges that Gurudev, Kundan and Jitendra assaulted her father-in-law by knee on 18.12.2018 causing injury on chest and snatched Rs. 30,000/-, further her father-in-law died on 23-12-2018.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next



submitted that the alleged occurrence is dated 18.12.2018 but then the victim was not taken to the hospital for treatment which amply demonstrates that no occurrence as alleged had taken place, it is further submitted that had an occurrence as alleged would have taken place then definitely the victim would have been taken to the hospital and the hospital would have informed the police but from perusal of the FIR it would manifest that the same is based on a written application of the informant dated 23.12.2018, which further creates doubt with regard to the veracity of the allegation as alleged, it is further submitted that though in the FIR it is alleged that the accused persons including the petitioners assaulted her father-in-law by knee causing injury on chest leading to death but then from perusal of the postmortem report it would manifest that he died on account of head injury because of assault which further bellies the allegation as alleged in the FIR. Learned counsel next submits at the cost of repetition that petitioners are persons with clean antecedent and will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating



officer of the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Alauli (Bahadurpur) P.S. Case No. 441 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and



shall also have liberty to cancel his bail bonds.

The learned trial Court is directed to send the copy
of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

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