

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40399 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- RAJNAGAR District- Madhubani

1. Sujit Mukhiya, S/O Raj Kumar Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
2. Dilip Mukhiya, S/O Raj Kumar Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
3. Shushil Mukhiya, S/O Jamai Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
4. Raj Kumar Mukhiya, S/O Jamai Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
5. Mamta Devi, D/O Sushil Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
6. Daiyan Devi, W/O Sushil Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
7. Poonam Devi, S/O Ranjeet Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.
8. Sanjula Devi @ Ranju Devi, W/O Dilip Mukhiya Resident Of Village- Chakdah, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav- Advocate
		Mr. Ravi Prakash- Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and the learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a
case registered for the offences punishable under Sections 341, 323,
504, 324, 307, 379, 427, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent and petitioner nos.5 to 8 are women and the informant alleges that his pot was stolen about three years ago. On 01.11.2021, his brother saw the pot in the possession of Ranjit Mukhiya on which, the informant asked him why he stole the pot on which, the accused persons including the petitioner came to the house of the informant and assaulted him and his brother brutally injuring them.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is not specific, but is general and omnibus in nature. It is next submitted that petitioners and the informant are related, but this fact has been concealed in the F.I.R. It is also submitted that from the side of the petitioner, Rajnagar P. S. Case No.309 of 2021 has also been instituted. The learned counsel next submits that no doubt, the injuries have been suffered from both the sides and the injuries of both the sides, some of the injuries are grievous in nature. It is also submitted that from perusal of the allegation as alleged in the present F.I.R., it would manifest that on trivial issue, the occurrence took place. It is next submitted that even a Title Suit No.260 of 2017 is going on between the parties, which was filed by Sushil Mallah from the side of the petitioners against the present informant, which is pending for adjudication in the Court of Subordinate Judge-I, Madhubani.



The learned counsel next submits that the entire family members have been implicated including the women of the family. It is next submitted that petitioners are not criminals and the occurrence took place on account of dispute prevailing between the family.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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 Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rajnagar P. S. Case No.322 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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