

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49702 of 2021

Arising Out of PS. Case No.-800 Year-2020 Thana- MADHEPURA District- Madhepura

Sanjay Mukhiya Son Of Late Jagdish Mukhiya Resident of Village -
Belhaghat Ward No.01, P.S. and Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-03-2022 Heard the learned counsel for the petitioner and Ram
Naresh Rai, the learned APP for the State.

The petitioner seeks regular bail in connection with Madhepura PS case no. 800 of 2020 instituted for the offences punishable under Sections 341, 323, 307, 302, 379/34 of Indian Penal Code.

The allegation is regarding a quarrel having taken place in the night of 20.10.2020 between the children of the parties in connection with performing puja at Belhaghat Bhagwati Asthan, whereafter the accused persons including the petitioner herein totaling 19 in number, had arrived at the place of occurrence and had assaulted the husband of the informant by bricks and stones resulting in his subsequent death. It is further alleged that the accused persons had also assaulted other



members of the prosecution party.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 26.05.2021. The learned counsel for the petitioner has referred to the inquest report annexed to the present petition to show that no external injury has been found on the body of the deceased. It is further submitted, by referring to the order dated 10.02.2021 passed by the learned Sessions Judge, Madhepura in B.P. no. 87 of 2021, which is annexed to the present petition, that even the post mortem report does not show any external mark of injury over the body of the deceased. It is also submitted that similarly situated co-accused persons have already been granted bail by the learned court below vide order dated 10.02.2021, copy whereof is annexed as Annexure 2 to the present petition.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus



allegation has been levelled against all the accused persons, there is no allegation of the petitioner having indulged in any sort of over act *qua* the deceased, the inquest report/post mortem report does not show any mark of external injury upon the body of the deceased, apart from the fact that similarly situated co-accused persons have already been granted bail by the learned court below itself and moreover, the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Madhepura in connection with Madhepura PS case no. 800 of 2020.

(Mohit Kumar Shah, J)

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