

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45318 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- BALTHAR District- West Champaran

Havaladar Mukhiya @ Sundar Mukhiya Son of Sri Julum Mukhiya @ Julum
Bin Resident of village - Parsauni, P.S.- Balthar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No. 3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Balthar P.S. Case No. 42 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307 and 504
of the Indian Penal Code and Sections 25(1-b)(a), 26 and 27 of
the Arms Act.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused persons came at the
alleged place and started destroying the seeds sown in the land



and on protest made by the informant this petitioner opened fire at him causing fire-arm injury at his hand.

The main submissions advanced by the learned counsel Mr. Umesh Chandra Verma appearing for the petitioner are that in the FIR the petitioner was alleged to have fired at the informant but the injuries found on the body of the informant have been opined to be simple in nature and moreover a land dispute running in between both the parties is stated to be the genesis of the occurrence and in the present time a good relation has established in between both the parties and they have filed a compromise petition vide Annexure-4 before the Court below and there is a counter version lodged by aunt of the petitioner against the prosecution party.

Learned APP Mr. Binod Kumar No. 3 appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the facts that the petitioner has fair and clean antecedent and there is a case and counter case in between both the parties and the genesis of the occurrence was a land dispute and in the present time a good relation has established in between both the parties as per above submission and the informant who is said to have sustained fire arm injuries caused by this petitioner,



sustained simple injury as per the medical expert's opinion, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Balthar P.S. Case No. 42 of 2020.

(Shailendra Singh, J.)

Prashant/-

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