

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.586 of 2022**

Arising Out of PS. Case No.-158 Year-2020 Thana- BENIPATTI District- Madhubani

RAM SANEHI MUKHIYA Son of Sonfi Mukhiya Resident of Village -  
Behta, Paschim Tola, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      12-07-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Benipatti P.S. Case No. 158 of 2020 registered for the offences  
punishable under Sections 448, 341, 323, 307, 302, 380, 427,  
504, 34 of the Indian Penal Code.

As per prosecution case, on the background of land  
dispute, the accused persons including the petitioner are alleged  
to have assaulted the son of informant causing his death during  
course of treatment.

Learned counsel for the petitioner submits that  
petitioner is in custody since 08.07.2021. Petitioner bears no



criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that there is general and omnibus allegation of assault against the petitioner and others. He further submits that as per the FIR, at the time of alleged occurrence, informant's son (deceased) was alone in the house and no one has seen the alleged occurrence. Co-accused Suresh Mukhiya, Sonafi Mukhiya, Kailash Mukhiya and Meena Devi have already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 20899 of 2021 and the case of present petitioner stands more or less on similar footing. There is admitted land dispute between the parties. He further submits that as per postmortem report, only one injury has been found on the head of the deceased and it is not clear who is the author of aforesaid head injury.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Madhubani in connection with Benipatti P.S. Case No. 158 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

shahzad/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

