

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.774 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- NIRMALI District- Supaul

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1. RAJENDRA PD. MUKHIYA @ RAJENDRA MUKHIYA Son of Late Budhiyar Mukhiya, Resident of Village- Bela Singar, Moti, Police Station - Nirmali, District - Supaul.
 2. Vinod Mukhiya @ Binod Kumar Mukhiya Son of Rajendra Pd. Mukhiya @ Rajendra Mukhiya, Resident of Village- Bela Singar, Moti, Police Station - Nirmali, District - Supaul.
 3. Mukesh Kumar @ Mukesh Mukhiya Son of Pramod Kumar @ Pramod Kumar Mukhiya, Resident of Village- Bela Singar, Moti, Police Station - Nirmali, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Arpana Kumari
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 31-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Nirmali P.S. Case No. 64 of 2021 registered for offence punishable under sections 341, 323, 324, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

As per allegation, when the informant and his brother



Kalanand Mukhiya along with Ajay Mukhiya and Saraswati Devi were irrigating the trees, meanwhile, the accused persons named in the FIR came there and prohibited them. Further allegation is that on the order of co-accused Pramod Mukhiya, petitioner no. 2 inflicted *dabiya* blow on the head of Kalanand Mukhiya and on the order of petitioner no. 1, co-accused Pramod Mukhiya assaulted the informant with *farsa*. On the order of petitioner no. 3, co-accused Anil Mukhiya assaulted Agra Mukhiya on his head with iron rod.

The learned counsel for the petitioners has submitted that there is land dispute between the parties. There is case and counter case and the petitioners are under custody since 30.06.2021.

Considering the above-mentioned facts and circumstances as well as the period of detention, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Birpur (Supaul) in connection with Nirmali P.S. Case No. 64 of 2021, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as



and when required by the court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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