

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2239 of 2023

Arising Out of PS. Case No.-108 Year-2021 Thana- SHRI NAGAR District- Madhepura

NIRMAL MUKHIYA S/o Dinesh Yadav R/o Village- Ramnagar Maheshi
Ward no. 12, P.S.- Srinagar, Distt- Madhepura. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma
For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Srinagar P.S. Case No. 108 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 427, 504, 506 of the Indian Penal Code.

As per allegation, 17 accused persons, named in the FIR assaulted the members of prosecution side. The specific allegation against the petitioner is that he assaulted Sanjay Mukhiya with iron rod on his head.

The learned counsel for the petitioner has submitted that the wife of the petitioner and wife of the informant were candidates of Mukhiya election. There was election rivalry between them. The petitioner is a person of clean antecedent and he is under custody since 06.09.2022.

The order of Additional Sessions Judge-VI shows that



he has issued several reminders for medical report but it was not submitted.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 108 of 2021, subject to the following conditions:-

- (i) Before accepting the bail bond of the petitioner the learned trial court shall verify the criminal antecedent of the petitioner.
- (ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (iii) If the petitioner is 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 petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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