

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8969 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. RAKESH MUKHIYA Son of Sarobar Mukhiya Resident of Village - Kesuria, P.S.- Kusheshwarasthan, District - Darbhanga.
 2. Sonu Mukhiya @ Sonu Kumar Mukhiya Son of Sarobar Mukhiya Resident of Village - Kesuria, P.S.- Kusheshwarasthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 19-05-2023 Heard Mr. Girish Chandra Jha, learned counsel for the petitioners and Mr. Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Kusheshwarasthan PS Case No. 81/2022 dated 04.03.2022 registered for the offence punishable under Sections 341, 323, 325, 307, 379, 109, 504, 506/34 of the IPC.

3. As per First Informant Report on the date of occurrence in the morning, the neighbour of the informant, co-accused, Sikandar Mukhiya threw soil on the land which was situated in front of the informant's land and upon objection being made by the informant, all the accused persons six in



number assaulted the informant. Petitioner no.1 assaulted the informant by means of iron rod on his right hand, petitioner no.2 snatched Rs. 25,000/- cash from the pocket of the informant's son and other accused persons, namely, Anjan Mukhiya and Hira Mukhiya assaulted the informant by means of *Dabia*, *Khanti* and *Farsa* on his head with an intention to kill him.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to dispute between them on the ground of throwing soil in front of the land of the informant. Both the parties are neighbours and the petitioners have got clean antecedent. From perusal of the FIR, the allegation of assault on the vital part of the body is upon the co-accused, Anjan Mukhiya and Hira Mukhiya. The petitioner no.1 has allegedly assaulted on the hand of the informant.

5. Regards being had to the submissions made by the parties, taking into consideration the material on record and the fact that both the parties are neighbours, the occurrence has taken place on a trivial issue of throwing soil on the land of the informant, petitioner no.1 has not assaulted on the vital part of the body of the informant and they have got no criminal antecedent, I am inclined to grant anticipatory bail to the



petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Biraul, Darbhanga in connection with Kusheshwarasthan PS Case No. 81/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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