

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10736 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BAKHTIARPUR District- Saharsa

1. MANTOSH MUKHIYA @ MANTOSH KUMAR Son of Chhoti Mukhiya R/V- Barahkurwa Ward no. 8, P.S- Bakhtiyarpur (Balwahat O.P) Dist- Saharsa
 2. Wokil Mukhiya @ Bouku Mukhiya Son of Late Tilo Mukhiya R/V- Barahkurwa, Ward no. 8, P.S- Bakhtiyarpur (Balwahat O.p) Dist- Saharsa
- Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 & 506/34 of the Indian Penal Code.

The petitioners in association of other co-accused variously armed came at the shop of the informant and asked for sugar and Gutkha and when the informant replied that she would not open the shop thereafter they abused and assaulted the son of the informant by iron rod at her head sustaining injuries to her. They also committed loot of grocery items worth Rs.1 lakh.

It is submitted by learned counsel for the petitioners that



no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both sides have filed cases against each other. The injury sustained by the victim is simple in nature. There is inordinate and abnormal delay of 20 days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No.403 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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