

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17394 of 2023**

Arising Out of PS. Case No.-309 Year-2021 Thana- RAJNAGAR District- Madhubani

BINOD MUKHIYA S/o Late Rajendra Mukhiya Resident of Village-
Chakadah, P.S.-Rajnagar, District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 30-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

This application, for grant of anticipatory bail, arises out of Rajnagar Police Station Case No. 309 of 2021, dated 05.11.2021, disclosing offences punishable under Sections 341/447/504/323/354/324/308/379/427/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioner has allegedly assaulted the son of the informant by means of farsha on his head, due to which he sustained injury.

Learned Counsel for the petitioner submits that both the parties are related to each other and there is land dispute between them. He further submits that there is case and counter



case between the parties inasmuch as Rajnagar Police Station Case No. 322 of 2021 has been lodged by the side of the petitioner. He further submits that the nature of the injury caused to the son of the informant has not been brought by the prosecution during the hearing of he bail application by learned Sessions Judge. He further submits that the doctor has given vague opinion regarding the nature of the injury sustained by the informant' son as dangerous. He next submits that the injury caused to the son of the informant is not grievous in nature.

Regards being had to the submissions advanced on behalf of petitioner and taking into consideration the fact that both the parties are relatives, there is land dispute between them and a counter case has also been filed by the side of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Madhubani, in connection



with Rajnagar Police Station Case No. 309 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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