

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20059 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- SONBERSA District- Sitamarhi

1. RAM ASARE MUKHIA SON OF LATE GILASHO MUKHIA R/O VILLAGE- BHUTAH, P.S.- SONBARSA, DISTRICT- SITAMARHI
2. ANJALI KUMARI D/O- RAM ASARE MUKHIA R/O VILLAGE- BHUTAH, P.S.- SONBARSA, DISTRICT- SITAMARHI
3. JITENDRA MUKHIA @ JETENDRA MUKHIA SON OF MAHESHWAR MUKHIA R/O VILLAGE- BHUTAH, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha,Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh,APP
For the Informant	:	Mr. Sanjeev Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-01-2023 Heard learned counsel for the petitioners, informant and learned APP for the State.

The petitioners apprehend their arrest in connection with Sonbarsa P.S. Case No. 325 of 2021 for the offence registered under Sections 302 and 34 of the Indian Penal Code.

As per the prosecution story, the allegation is that the petitioner no. 1, Ram Asare Mukhia wanted his daughter to be married to the Ranjit Kumar (deceased) and when the said proposal was negated, infuriated, the family was threatened of dire consequences.

Further allegation is that on 18.11.2021, Satendra



Kumar and Jitendra Mukhia took away his son on a motorcycle and later his dead body was found hanging from the tree.

Learned counsel for the petitioners submit that while the petitioner no.1, Ram Asare Mukhia, is the father of petitioner no. 2, Anjali Kumari, is the girl whose marriage his father wanted to solemnize and only because the family of the deceased was threatened, they have been unnecessarily been implicated in this case despite having no proof to this effect. Further, so far as the petitioner no. 3, Jitendra Mukhia @ Jeetendra Mukhiya is concerned, he submits that it is only a case of last seen along with Satyendra Kumar and the deceased and taking into account this theory, the Co-ordinate Bench of this Court on 28.11.2022 granted relief to Satyendra Kumar vide Cr. Misc. No. 34505 of 2022.

Learned counsel for the informant submits that it was only because of the refusal on the part of the informant's side that the petitioners committed murder and gave it a picture of suicide. It is his further submission that both the Jitendra Mukhia @ Jetendra Mukhia and Satyendra Kumar were the persons who took the deceased on motorcycle and later his dead body was found hanging from tree.

This Court has gone through the rival submissions



and so far as the petitioner nos. 1 and 2 are concerned, there is nothing on record to show that their implication save and expect that petitioner no. 1 wanted to get her daughter married to the deceased.

So far as the petitioner no. 3, Jitendra Mukhia @ Jetendra Mukhiyais concerned, in view of the fact that one of the Co-ordinate Bench has granted relief to him, as stated above, this Court has no option but to extend him the same relief.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Sitamarhi in connection with Sonbarsa P.S. Case No. 325 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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