

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20887 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- SITAMARHI District- Sitamarhi

NARESH MUKHIYA Son of Late Kishori Mukhiya Resident of Ward No.- 6,
Rajopatti, Chak Mahila, P.S.- Sitamarhi (Mehsaal), District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Sitamarhi (Mehsaal) Police Station Case No. 367
of 2022, dated 03.06.2022, disclosing offences under Sections
302/304(B)/34 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the sister of the informant has been
killed by her husband and other family members on 03.06.2022
by pressing her neck. The marriage of the informant was
solemnized with the co-accused Karan Mukhiya about five
years back.

Learned Counsel for the petitioner submits that the
petitioner, who happens to be the brother-in-law (dewar) of the



deceased, and his family members has falsely been implicated in this case, which would be evident from the statement made in the First Information Report itself. Learned counsel submits that in the first part of the First Information Report, the informant alleged that his sister has been killed by her husband, namely, Karan Mukhiya, by pressing her neck and subsequently, all the family members of the Karan Mukhiya have been made accused. He further submits that the informant is not an eye-witness and he was not present at the place of occurrence at the time when the occurrence had taken place, but he has vividly described the role of the petitioner and other family in the First Information Report, which itself creates doubt in the veracity of the First Information Report. Learned counsel further submits that irrespective of the aforesaid, the petitioner is brother of the co-accused Karan Mukhiya and is separate in mess and residence with co-accused Karan Mukhiya and other family members having no concern with them. The other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 71705 of 2022.

Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of



allegation in the First Information Report and the fact that the petitioner is the elder brother of the co-accused Karan Mukhiya and resides separately and co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, accordingly, 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 Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi (Mehsaul) Police Station Case No. 367 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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