

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25861 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MADHEPUR District- Madhubani

1. SIKANDAR MUKHIYA S/O RAM BILASH MUKHIYA @ RAMBILASH MUKHIYA @ RAM VILASH MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
2. JITENDRA MUKHIYA S/O RAM BILASH MUKHIYA @ RAMBILASH MUKHIYA @ RAM VILASH MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
3. RAMBILASH MUKHIYA @ RAMBILASH MUKHIYA @ RAM VILASH MUKHIYA S/O LATE SANKIR MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
4. CHHOTE MUKHIYA @ CHHOTELAL MUKHIYA S/O SANKIR MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
5. SUNITA DEVI W/O CHHOTE MUKHIYA @ CHHOTELAL MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
6. MUNNI DEVI W/O RAJARAM MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
7. KALIYA DEVI W/O SANKIR MUKHIYA Resident of Village- Darjiya, P.S.- Madhepur, District- Madhubani
8. RAJA RAM MUKHIYA S/O LODAI MUKHIYA Resident of Village- Bheja, P.S.- Bheja, District- Madhubani.
9. ARUN MUKHIYA S/O LODAI MUKHIYA Resident of Village- Bheja, P.S.- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in



connection with Madhepur P.S. Case No. 89 of 2022, registered for the offence punishable under Sections 341, 323, 342, 354B, 379, 504, 506 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having arrived at the house of the informant on 1.6.2022 at about 5 pm., whereafter they had assaulted the informant and had torn her clothes and when her sister-in-law tried to save her, she was also assaulted.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and there is no injury report on record to show that either the informant or her sister-in-law have received serious injuries.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons, apart from the fact that it is the specific and categorical averment of



the petitioners that the informant and her sister-in-law have not sustained any serious injuries, though I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to verification of the injury report by the learned Trial Court.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, District-Madhubani, in connection with Madhepur P.S.Case No. 89 of 2022 (GR No. 903 of 2022), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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