

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33100 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- SRINAGAR District- West Champaran

1. Panna Lal Mukhiya @ Panna Lal Bin Son of Jhapas Mukhiya @ Jhapas Bin Resident of village - Shrinagar Bin Toli, ward no. 9, P.S. - Shrinagar, Distt. - West Champaran
2. Jhapas Mukhiya @ Jhapas Bin Son of Late Jhangar Mukhiya @ Jhagar Bin Resident of village - Shrinagar Bin Toli, ward no. 9, P.S. - Shrinagar, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

The petitioners seek bail in connection with Shrinagar P.S. Case No. 188 of 2022 registered for the offence under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 25.01.2023.

The allegation against the petitioners is to assault informant and others causing head injuries by means of *daab* (a sharp edged cut weapon), having intention to cause death, where occurrence arises out of land dispute.



Learned counsel appearing on behalf of the petitioners submitted that the allegation against petitioner no. 1, who is the son of the petitioner no. 2, is appearing very superficial which is limited to only scuffle with informant, whereas the allegation against petitioner no. 2 is to assault by means of *daab* on the head of informant/injured causing grievous injury. It is submitted that the alleged injury appears single in nature without having any intervening circumstances and, as such, it can be said safely that the petitioners were not under intention to cause death of informant/injured. It is also submitted that the nature of injury is lacerated whereas same not appears convincing by taking note of nature of weapon i.e., *daab* (a sharp edged cut weapon). While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as assault caused by petitioner no. 2 is single without having any intervening circumstances coupled with the fact that charge-sheet has



already submitted, where both petitioners are in custody since 25.01.2023 accordingly both the petitioners, above named, are directed to be released on bail in connection with Shrinagar P.S. Case No. 188 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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