

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34954 of 2023

Arising Out of PS. Case No.-215 Year-2022 Thana- BHAGWANPUR District- Begusarai

1. Ramadhar Mukhiya S/O Late Sanichar Mukhiya R/O Village-Bhith, P.S.- Bhagwanpur, District-Begusarai
2. Sajay Mukhiya @ Sanjay Mukhiya S/O Ram Vinay Mukhiya R/O Village-Tarapatti, P.S. Khajauli, District-Madhubani
3. Sulo Mukhiya S/O Late Sanichar Mukhiya R/O Village- Tarapatti, P.S. Khajauli, District-Madhubani
4. Badial Mukhiya @ Gurudev Mukhiya S/O Ramadhar Mukhiya R/O Village-Tarapatti, P.S. Khajauli, District-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Bhagwanpur P.S. Case No. 215 of 2022 registered on 05.11.2022 for the alleged offences under Sections 341, 323, 324, 379, 504, 506/34 and 307 of the Indian Penal Code.

3. As per prosecution case, petitioner Ramadhar Mukhiya called out the informant at a place where other



petitioners were present and they started abusing him and petitioner Badial Mukhiya assaulted the informant with knife in his abdomen. Thereafter, petitioners Sulo Mukhiya and Ramadhar Mukhiya also gave him knife blow causing injury in his abdomen. Others assaulted the informant with legs and fists and took away Rs.700/- from his pocket.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case as they are agnates of the informant and due to previous enmity the false case has been lodged. There is no ingredient of Section 307 IPC as there was no intention to cause death. Moreover, the injuries are very simple and size of two injuries are 1"x1/2" and 1/2"x1/2" respectively and 3rd injury is merely abrasion. Petitioner Ramadhar Mukhiya is aged about 70 years and he is in custody since 13.04.2023. Learned counsel further submits that for an occurrence of 29.10.2022, the FIR has been lodged on 05.11.2022 and there is no satisfactory explanation for this delay which shows concoction and fabrication of the instant case. Petitioner nos. 1 and 2 are in judicial custody since 13.04.2023 and petitioner nos. 3 and 4 are in judicial custody since 12.04.2023.

5. Learned APP opposes the prayer for bail



submitting that the specific allegation is against petitioners Ramadhar Mukhiya, Sulo Mukhiya and Badial Mukhiya for stabbing the informant which is supported by injury report and two incised wounds in the stomach of the informant were found.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injury which appears to be simple and no intervening circumstance towards any attempted murder and further considering the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai/concerned court in connection with Bhagwanpur P.S. Case No. 215 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

