

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37466 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- JADIA District- Supaul

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SHAMBHU MUKHIYA SON OF JAGDEV MUKHIYA RESIDENT OF
VILLAGE- CHAKARDAHA, GURIA, PS JATHIYA, DISTT SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Adv

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jadiya P.S. Case No. 315 of 2022 registered for the offence punishable under Section 341, 323, 324, 307, 379, 147, 149, 504, 506 and 188 of the Indian Penal Code.

3. There is an allegation of indiscriminate assault on the informant by the accused persons.

4. Learned counsel for the petitioner submits that the prosecution case itself manifests that the occurrence has taken place due to dispute regarding the ploughing of lands. In fact, a fist fight has occurred between the parties, wherein some minor injuries have been sustained by the informant, as is evident from the injury report. There is no specific assault



attributed to the petitioner of grievous nature on any vital part.

The petitioner has no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations, injuries and clean antecedents, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Supaul, in connection with Jadiya P.S. Case No. 315 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is



any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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