

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38661 of 2023**

Arising Out of PS. Case No.-5 Year-2022 Thana- SANGRAMPUR District- East Champaran

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BRAJESH MUKHIYA Son of Badiya Mukhiya @ Vidyanand Mukhiya
Resident of village - Hasuanha, P.S.- Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sangrampur P.S. Case No. 5 of 2022 dated 08.01.2022 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, all the FIR named accused persons including this petitioner and 20-25 unknown miscreants were damaging the boundary wall of the land of the informant. When the informant and his son objected, all the accused persons assaulted him and his son. In the meantime, the



co-accused persons Sabbi Mukhiya, Munna Mukhiya, Indal Mukhiya, Shambhu Mukhiya caught hold of the son of the informant whereas the co-accused Chandeshwar Mukhiya gave axe blow on the chest of the informant's son as a result of which he died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The specific allegation of assault is against Chandeshwar Mukhiya. Nothing incriminating material has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 26.09.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with



Sangrampur P.S. Case No. 5 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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