

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44354 of 2023**

Arising Out of PS. Case No.-105 Year-2022 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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1. Ajay Mukhiya Son Of Suresh Mukhiya Resident Of Village- Sughrain, Ps-  
Kusheshwar Asthan, Dist- Darbhanga
  2. Brajesh Mukhiya Son Of Suresh Mukhiya Resident Of Village- Sughrain,  
Ps- Kusheshwar Asthan, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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

ORAL ORDER

2      31-07-2023                      Learned counsel for the petitioners is permitted to  
remove defect (s), as pointed out by the office, if any, within a  
period of four weeks on resumption of physical mode.

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

3. The petitioners have preferred this application for  
grant of regular bail in connection with Kusheshwar Asthan P.S.  
Case No. 105 of 2022 dated 18.03.2022 registered for the  
offences punishable u/ss 341, 323, 302, 504 and 506 read with  
section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the  
co-accused persons are alleged to have assaulted the informant's



husband when he was going to sleep, due to that he got injured and became unconscious. Thereafter, the co-accused Suraj Mukhiya @ Chhatilal Mukhiya also assaulted on the head of the informant's husband with iron rod due to that he died on the spot.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. There is no specific allegation of assault against the petitioners. The specific allegation of assaulting the informant's husband with iron rod is against the co-accused Suraj Mukhiya @ Chhatilal Mukhiya. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 15.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Biraul (Darbhanga) in connection with



Kusheshwar Asthan P.S. Case No. 105 of 2022.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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