

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50275 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- HASANPUR District- Samastipur

1. Shyama Devi Wife of Sudhir Mukhiya Resident of village - Hasanpur, P.S. - Hasanpur, Distt. - Samastipur
2. Sudhir Mukhiya Son of Late Hansi Mukhiya Resident of village - Hasanpur, P.S. - Hasanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners apprehend their arrest in connection with Hasanpur P.S. Case No. 52 of 2023 registered under Sections 341, 342, 323, 504, 506, 307/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to land dispute. Further he submits that petitioner no. 1 is a woman and there is general and omnibus allegation against her. Learned counsel further submits that petitioner no. 1 has got no criminal antecedent.

4. Learned counsel appearing for the state vehemently opposes the prayer for bail of the petitioner no. 2 by



submitting that there is direct allegation against him of giving a *Daab* blow on the informant's head. Hence, petitioner no. 2, namely, Sudhir Mukhiya does not deserve the privilege of anticipatory bail.

5. Having considered the nature of allegation and the submissions advanced on behalf of the parties, this Court is not inclined to grant the bail to petitioner no. 2, namely, Sudhir Mukhiya. His prayer for bail is, accordingly, rejected.

6. So far as petitioner no. 1 is concerned, considering the facts and circumstances of the case, let the petitioner no. 1, namely, Shyama Devi be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of Additional Chief Judicial Magistrate – IV, Rosera at Samastipur, in connection with Hasanpur P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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