

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38429 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SUPAUL District- Supaul

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MUKESH KUMAR @ MUKESH KUMAR MUKHIYA S/O LATE KISHUN
MUKHIYA R/O Sakin Ward No.- 13, P.O and P.S- Supaul, Distt.- Supaul
(Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52855 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SUPAUL District- Supaul

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SURAJ KUMAR SON OF RAVINDRA KUMAR SAHNI Resident of Village
- ward no. 11, Purani Durga Asthan, Supaul, P.O. and P.S. - Supaul, Distt. -
Supaul (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38429 of 2023)

For the Petitioner/s : Mr.Chandra Bhushan Das, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

For the Informant : Mr.Kumar Goutam, Adv.

(In CRIMINAL MISCELLANEOUS No. 52855 of 2023)

For the Petitioner/s : Mr.Raju Giri, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2023 Heard learned counsels for the petitioner, learned APP

for the State as well as learned counsel for the informant.

2. The petitioners apprehend their arrest in a case

registered for the offence punishable u/s 341, 323, 379, 325,

307, 506, 342 and 34 of the IPC.



3. As per the prosecution case, the F.I.R. named accused persons including the petitioner forcibly took the informant to one old Durga Asthan, Supaul on the gun point where they twisted his neck and kept assaulting him by means of iron rod and lathi and assuming him dead, threw at the Old Durga Asthan, Ward No.11, Supaul.

4. It is submitted by learned counsels for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioner Mukesh Kumar @ Mukesh Kumar Mukhiya has three criminal antecedent and petitioner Suraj Kumar has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that due to the said assault, the petitioner got disability of 80% and in this regard, a certificate of Medical Authority, Supaul has been produced and it is submitted that the same has also come in the impugned order.

6. Earlier case diary and injury report were called for and



on perusal of the same, at para-69 of the case diary i.e. supplementary injury report, it is mentioned in front of the X-Ray finding that no obvious any bony injury, which means that no grievous injury was caused due to the said assault and having considered the same, I am inclined to enlarge the petitioners on anticipatory bail.

7. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Supaul P.S. Case No.140 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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