

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50914 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- SALIMPUR District- Patna

1. ALAKH MOCHI S/o Late Jai Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
2. Ankaj Mochi S/o Budhan Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
3. Bhukhlu Mochi S/o Vijay Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
4. Uday Mochi S/o Vijay Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
5. Lallu Mochi S/o Sitaram Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
6. Sintu Mochi S/o Lallu Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
7. Dipan Mochi S/o Falindra Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.
8. Sanjay Mochi S/o Baleshar Mochi Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51289 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- SALIMPUR District- Patna

1. BUDHAN MOCHI S/O LATE JAI MOCHI Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna
2. VIJAY MOCHI S/O LATE SITARAM MOCHI Resident of Village- Kala Diyara, P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50914 of 2022)

For the Petitioner/s	:	Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Suraj Kumar, Advocate



(In CRIMINAL MISCELLANEOUS No. 51289 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP
For the Informant : Mr. Suraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioners, Informant and the State.

The petitioners apprehend their arrest in connection with Salimpur P.S. Case No. 95 of 2021 for the offence registered under Sections 147, 148, 149, 323, 341, 307, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution story, the accused persons barged into the house of the informant and allegation against the petitioner no. 1, Budhan Mochi in Cr. Mis. No. 51289 of 2022 is that he gave '*farsa*' blow to the husband and the brother-in-law of the informant causing head injury and death. The further allegation is against the petitioner no. 2, Vijay Mochi of snatching her ear rings and other gold items and also gave threatening to kill, if they lodge FIR.

Learned counsel for the petitioners submits that none of the accused persons have criminal antecedent. The allegation is upon Budhan Mochi of giving '*farsa*' blow to the informant's husband and brother-in-law and there is no medical report whether the injuries are grievous or simple in nature.



Learned counsel for the informant submits that there is specific allegation against Budhan Mochi of assaulting the informant's husband and the brother-in-law on the vital organs of the bodies.

Taking into account the fact that the specific allegation is against petitioner no. 2, Budhan Mochi of Cr. Misc. No. 51289 of 2022 is concerned, his anticipatory bail application is rejected.

So far as other petitioners in Cr. Misc. No. 50914 of 2022 are concerned, they do not have criminal antecedent and they were part of the unlawful assembly, their prayer for anticipatory bail is/are allowed.

So far as petitioner no. 2, Vijay Mochi in Cr. Misc. NO. 51289 of 2022 is concerned, in view of the fact that there is no allegation of assault on the informant's side and he also do not have criminal antecedent, this Court is inclined to extend the relief to him. Accordingly, the anticipatory bail application of petitioner no.2, Vijay Mochi is allowed.

In the aforesaid circumstances the petitioners, namely, Alakh Mochi, Ankaj Mochi, Bhukhlu Mochi, Uday Mochi, Lallu Mochi, Sintu Mochi, Dipan Mochi and Sanjay Mochi of Cr. Misc. No. 50914 of 2022 and petitioner no. 2, Vijay Mochi



of Cr. Mis. No. 51289 of 2022, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 95 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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