

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52568 of 2023

Arising Out of PS. Case No.-9 Year-2020 Thana- BHIMPUR District- Supaul

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1. NAND LAL MUKHIYA, aged about 46 years (M) SON OF KISHORE MUKHIYA
 2. RAM CHANDRA MUKHIYA, aged about 40 years (M), SON OF SITAY MUKHIYA
- Both are RESIDENT OF VILLAGE -JIBACHHPUR, WARD NO 08, PS- BHIMPUR, DISTT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Patla Kumari, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2023 Heard Ms. Patla Kumari, learned counsel appearing on behalf of the petitioners and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhimpur P.S. Case No. 09 of 2020 dated 26.01.2020 registered for the offence(s) punishable under Sections 341, 323, 324, 307, 354B, 379, 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons made therein scolded and assaulted the informant and his mother. Further allegation is that they also outraged the modesty of the mother of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners have not assaulted the informant and his mother rather there is long standing land dispute between the parties and due to hot talk, they indulged in fierce fight and in the said course, both the parties sustained injury. Learned counsel further submits that FIR has been filed after much delay as the incident had taken place on 13.01.2020 and the FIR had been lodged on 26.01.2020. Petitioners have clean antecedent and to that effect, a statement has been made in paragraph no.3 of the bail application.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submits that there are materials against the petitioners as injury has been described in paragraph nos. 15 and 16 of the case diary and as such they don't deserve to be released on bail.

6. Considering the nature of allegation made in the FIR as well as the fact that no specific report is there with respect to the injury sustained by the informant and his mother, to support that the injury has been caused on the vital part of the body, i.e, on the head of the informant, I am of the opinion that the District Court may call for the opinion of the doctor with respect to the injury sustained by the informant and his mother and if it is found that injury is simple in nature, the



petitioners are directed to be released on pre-arrest bail in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Supaul, in connection with Bhimpur P.S. Case No. 09 of 2020.

7. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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