

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59384 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- PHULPARAS District- Madhubani

1. Babibha Devi @ Bibha Devi Wife of Devendra Mukhiya Resident of Village- Brahmpura, PS Phulparas, Distt- Madhubani
2. Devendra Mukhiya Son of Sunar Mukhiya Resident of Village- Brahmpura, PS- Phulparas, Distt- Madhubani
3. Surendra Mukhiya @ Sunil Kumar Son of Sunar Mukhiya Resident of Village- Brahmpura, PS- Phulparas, Distt- Madhubani
4. Sunar Mukhiya Son of Govind Mukhiya Resident of Village- Brahmpura, PS- Phulparas, Distt- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Phulparas P.S. Case No. 272 of 2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 504, 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 07.06.2022 at about 08:00 A.M., all the accused persons including these petitioners started construction over a disputed land and when the informant protested, all the accused persons variously armed assaulted her. It



is alleged that Devendra Yadav (petitioner no. 2) assaulted the informant by means of iron rod over her arm which resulted in fracture and Surendra Mukhiya (petitioner no. 3) tried to outrage her modesty and he also snatched gold jewellery from her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to a land dispute. It is submitted that the allegations against the petitioners except petitioner no. 2 are general and omnibus in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein there is a general and omnibus kind of allegations against the petitioners except petitioner no. 2 (Devendra Mukhiya), this Court directs that in case of their arrest or surrender within a period of six weeks from today, petitioner nos. 1, 3 and 4 above named be released on bail in connection with Phulparas P.S. Case No. 272 of 2022 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 learned A.C.J.M.-II, Jhanjharpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall



verify the criminal antecedent of the petitioner nos. 1, 3 and 4 and in case at any stage it is found that the petitioner nos. 1, 3 and 4 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1, 3 and 4. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. So far as petitioner no. 2 is concerned, it is alleged that he assaulted the informant by means of iron rod over her arm due to which she sustained a fracture, the impugned order passed by learned Additional Sessions Judge-III, Jhanjharpur says that the allegations found corroboration from the injury report of the informant, in these circumstances, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 2. His prayer for anticipatory bail is, thus, refused.

9. In case petitioner no. 2 surrenders and prays for a regular bail in the learned court below within a period of six weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

10. This application stands party allowed.

(Rajeev Ranjan Prasad, J)

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