

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63516 of 2023

Arising Out of PS. Case No.-703 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Loha Mukhiya @ Ranjit Mukhiya Son Of Rameshwar Mukhiya Resident Of Village- Hasuwaha, Ps- Muffasil, Distt- East Champaran
 2. Rameshwar Mukhiya Son Of Late Bhadai Mukhiya Resident Of Village- Hasuwaha, Ps- Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 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 Muffasil P.S. Case No.703 of 2018 registered for the offences punishable under Sections 341, 342, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code. The petitioner no.1 has got one criminal antecedent in which he is said to be on bail whereas petitioner no.2 has no criminal antecedent.

3. As per the prosecution story, on 08.11.2018 at about 12.00 to 1.00 pm Lohia Mukhiya (petitioner), Sandeep Mukhiya, Rameshwar Mukhiya (petitioner) and Srikishun



Mukhiya were involved in cutting the *shisham* tree of the informant. When the informant got this informant, he went there and asked them not to cut the tree then accused persons started abusing him and assaulting him but to save his life the informant ran away from the said place. It is further alleged that thereafter all the accused persons came at the flour mill of the informant's son namely Ashok Mukhiya and started assaulting him by iron rod due to which he sustained injury on his head and fell down. It is further alleged that the accused persons also assaulted the another son of informant namely Rakesh Kumar while he was on his shop with *lathi* and *fatta* due to which he sustained injury on his head and fell down. It is then alleged that Rameshwar Mukhiya took away Rs.9,000/- from his locker and Sandeep Mukhiya took away mobile worth Rs.10,000/-. It is alleged that when the informant's wife came to rescue him then accused persons also assaulted her and Loha Mukhiya snatched golden *mangalsutra* worth Rs.15,000/- from the neck of the wife of the informant and also assaulted his granddaughter due to which she sustained injury.

4. Learned counsel for the petitioners submits that both the parties are close agnates and the alleged occurrence has taken place on a petty issue, however, at this stage, both the



parties have entered into a settlement and they are living peacefully.

5. Learned A.P.P. 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 it is submitted that both the parties are close agnates and the alleged occurrence has taken place on a petty issue, however, at this stage, both the parties have entered into a settlement and they are living peacefully, in the circumstances, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari at East Champaran in connection with Muffasil P.S. Case No. 703 of 2018, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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