

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64397 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- NADI District- Supaul

Panchu Mukhiya S/O Late Puran Mukhiya R/O Village- Panch Gachhiya,
(WARD No. 16), P.S- Supaul (NADI), Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Nadi (Supaul) P.S. Case No. 101 of 2022 dated 01.12.2022, instituted for the offence punishable under Sections 146, 147, 149, 323, 324, 307 and 504 of the Indian Penal Code.

3. The prosecution case, in short, is that on 26.11.2022, the informant and his wife Fulday Devi went to village *Koni* for money transaction and on returning at about 06:00 pm, when they reached near his land, all the accused petitioners restrained them and started assaulting them and accused petitioner Panchu Mukhiya assaulted on the head of elder brother of informant namely Ramchandra Mukhiya by means of iron rod due to which he sustained head injury and after becoming unconscious he fell on the ground.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that informant and petitioner are the agnates and descendent of common ancestor and occurrence took place for taking possession over disputed land in which both side sustained injuries, which are simple in nature. There is case and counter case between the parties. Petitioner being the main guardian of the family has been made accused in this case. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Nadi (Supaul) P.S. Case No. 101 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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