

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67033 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- PIPRA District- East Champaran

1. Budhan Mukhiya S/O Bindeshwar Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
2. Rup Narayan Mukhiya S/O Dukhan Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
3. Bhageshwar Mukhiya S/O Dukhan Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
4. Dhurup Mukhiya @ Dhurub Mukhiya S/O Dukhan Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
5. Dukhan Mukhiya S/O Shiv Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
6. Mina Devi W/O Rup Narayan Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
7. Manju Devi W/O Dhup Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari
8. Sangita Devi W/O Budhan Mukhiya Resident of village- Kuwarpur Bind Toli, P.S.- Pipra, District- East Champaran Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

In this present case, the petitioners are apprehending their arrest in connection with Pipra P.S. Case No. 93 of 2022, registered for the offences under Section 147, 148, 149, 341, 323, 307, 353, 332, 333, 337, 338 and 427 of the Indian Penal



Code.

As per prosecution case, police received information about a lady being assaulted by some persons after cutting her hair. When the police party reached at the place of occurrence, they found a lady in an unconscious state. When they tried to remove the unconscious lady from the spot, a mob armed with *lathi, danda, tanguli, hasua* and bat attacked the police party causing injuries to the police personnel. The petitioners have been named for being involved in the assault over the police personnel.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and no occurrence as alleged has ever taken place. There is no specific allegation against the petitioners except that they were members of the mob. There was no intention of committing murder, so no case under Section 307 I.P.C. is made out against the petitioners. The offences mentioned in the FIR are all bailable except Sections 307, 353, 332 and 333 of the I.P.C. Injuries on the body of the victims have been found to be simple in nature. For the same occurrence, Pipra P.S. Case No. 92 of 2022 has been lodged by the victim-Sartia Devi. Learned counsel further submits that petitioners No. 6,



7 and 8 are ladies.

Learned APP opposes the prayer for bail submitting that petitioners are members of the mob who attacked the police personnel and caused injuries to them and also damaged the government property.

Having regard to the facts and circumstances and considering the nature of allegation against petitioners No. 1 to 5, I am not inclined to enlarge them on anticipatory bail. Hence, their prayer for bail is rejected.

However, considering the fact that petitioners No. 6, 7 and 8 are ladies, they, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty five thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Pipra P.S. Case No. 93 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners No. 6, 7 and 8.



(ii) The petitioners No. 6, 7 and 8 will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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