

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65001 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. MADHO MUKHIYA Son of Late Ram Bahadur Mukhiya R/v- Karotva,
P.S.- Kusheshwar Asthan, District- Darbhanga
 2. ASHOK MUKHIYA Son of Madho Mukhiya R/v- Karotva, P.S.-
Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard the parties.

2. The petitioners seek pre-arrest bail in connection with Kusheshwar Asthan P.S. Case No. 230 of 2022 registered for the offence punishable under Sections 341, 323, 324, 325, 308, 504 and 506/34 of the Indian Penal Code.

3. As per the F.I.R., the accused persons named in the F.I.R. tried to dispossess the petitioner from Khata No. 56, Khesra No. 123 measuring 7 Kattha 10 Dhur by constructing hut on the said land.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are the co-sharer. There is admitted land dispute between the parties and Title Suit No. 65 of 2021 with respect to the land in question is pending between the parties.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail. He submits that the uncle of the informant was brutally assaulted and he has sustained injury which is simple in nature.

6. Having considered the rival submissions of the parties as well as allegation made in the F.I.R. which is purely civil in nature, there is admitted land dispute for which Title Suit No. 65 of 2021 is pending before Sub-Judge, Biraul, Darbhanga, the injury sustained by the uncle of the informant is simple in nature, petitioners, above named, 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul, Darbhanga in connection with Kusheshwar Ashthan P.S. Case No. 230 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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