

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71023 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- NIRMALI District- Supaul

PRAMOD MUKHIYA @ PRAMOD KUMAR MUKHIYA @ KHATAR
MUKHIYA Son of Rajendra Prasad Mukhiya R/v- Bela Singar Moti, P.S.-
Nirmali, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Anil Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 323, 324, 307, 354, 379, 504,
506/34 of the Indian Penal Code.

As per allegation, when the informant and his brother
Kalanand Mukhiya along with Ajay Mukhiya and Saraswati
Devi were irrigating the trees, meanwhile, the accused persons
named in the FIR came there and prohibited them. Further
allegation is that on the order of the petitioner,
co-accused Vinod Mukhiya @ Binod Kumar Mukhiya inflicted
dabiya blow on the head of Kalanand
Mukhiya and on the order of co-accused Rajendra Prasad



Mukhiya @ Rajendra Mukhiya, petitioner assaulted the informant with farsa. On the order of co-accused Mukesh Kumar @ Mukesh Mukhiya, co-accused Anil Mukhiya assaulted Agra Mukhiya on his head with iron rod.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that as per FIR the allegation against the petitioner is that he assaulted to the informant by means of Farsa on his head but the injury report does not support the allegation as alleged in the FIR. Further submits that there is admitted land dispute between the parties and both parties are Gotiyas and the similarly situated co-accused persons, namely, Rajendra Prasad Mukhiya @ Rajendra Mukhiya and others have been granted bail vide order dated 31.05.2022 passed in Cr. Misc. No. 774 of 2022 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.07.2022.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Birpur, Supaul in



connection with Nirmali P.S. Case No. 64 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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