

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75056 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- BITHAN BAZAR District- Samastipur

1. Balo Mukhiya @ Bala Mukhiya Son of Tirpit Mukhiya
 2. Arban Mukhiya, Son of Balo Mukhiya @ Bala Mukhiya
- Both resident of village - Belahi, P.S- Bithan, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Advocate
		Mr. Binod Kumar Sinha, Advocate
		Mr. Shishir Kumar Shishir, Advocate
For the Opposite Party/s :		Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 08-05-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. Petitioners seek regular bail in connection with S.T. No. 486 of 2022, arising out of Bithan P.S. Case No. 51 of 2022 dated 04.04.2022 registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.
3. As per prosecution, the informant's husband was assaulted by petitioner no.2 Arban Mukhiya by means of



hammer repeatedly and later on during course of treatment, the informant's husband died. Further, it is alleged that petitioner no.1 always threatened the informant to kill her husband.

4. The main submissions advanced by the learned counsel for the petitioners are that as per FIR the main allegation is against the petitioner no. 2 and regarding the involvement of petitioner no.1, who happens to be the father of petitioner no.2 only suspicion was raised in the FIR and the said petitioner is not alleged to have assaulted the deceased and he is an old person, having fair and clean antecedent. Further submissions are that in fact the informant's husband fell down on the ground from the roof and became injured and there is a land dispute between the parties and only with an intention to grab the land of the petitioners, the present case was falsely lodged and the petitioners have been languishing in jail since 21.05.2022 and 27.05.2022 respectively.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the seriousness of the allegation appearing against the petitioner no.2 who is alleged to have assaulted repeatedly at the head of the informant's husband by means of a hammer and the informant claimed to have seen this



petitioner at the place of occurrence and the hammer which was used in the alleged crime was recovered from the petitioner's house as per paragraph no. 7 of the case diary and the postmortem report of the deceased also goes to support the allegation appearing against the petitioner no.2, this court is not inclined to accept the bail prayer of the **petitioner No.2 (Arban Mukhiya) for the present. Accordingly, his prayer stands rejected.**

7. The trial court is directed to expedite the trial of the petitioners. Petitioner no.2 may renew his bail prayer after one year, if any significant progress is not made in his trial by the trial court.

8. So far as the prayer of **petitioner no.1 (Balo Mukhiya @ Bala Mukhiya)** is concerned, as he is an old person and against him in the FIR, there is no specific allegation and as per prosecution he is only alleged to be part of the conspiracy allegedly hatched up by him with his son, in the opinion of this court, the petitioner no. 1 deserves to a lenient approach of this court. Accordingly, **let the petitioner no.1 (Balo Mukhiya @ Bala Mukhiya) 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 the Court concerned in connection with S.T. No. 486 of 2022 arising out



of Bithan P.S. Case No. 51 of 2022.

(Shailendra Singh, J)

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