

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11129 of 2024

Arising Out of PS. Case No.-309 Year-2021 Thana- RAJNAGAR District- Madhubani

1. Usha Devi W/O KARI MUKHIYA R/O VILLAGE- CHAKDAH, PS. RAJNAGER, DIST. MADHUBANI.
2. SONI DEVI W/O JAIRAM MUKHIYA R/O VILLAGE- CHAKDAH, PS. RAJNAGER, DIST. MADHUBANI.
3. SHIBO DEVI @ SUBDHI DEVI W/O MANOJ MUKHIYA R/O VILLAGE- CHAKDAH, PS. RAJNAGER, DIST. MADHUBANI.
4. RAJA KUMAR @ RAJA MUKHIYA S/O MANOJ MUKHIYA R/O VILLAGE- CHAKDAH, PS. RAJNAGER, DIST. MADHUBANI.
5. CHANDAN KUMAR @ CHANDAN MUKHIYA S/O BINOD MUKHIYA R/O VILLAGE- CHAKDAH, PS. RAJNAGER, DIST. MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Ranjager P.S. Case No. 309 of 2021 registered for the offences punishable under Sections 341, 447, 504, 323, 354, 324, 308, 379, 427/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others are said to have come to the informant's house and started abusing. When the same was protested, informant was thrashed by them. It is alleged that co-accused Jairam Mukhiya is said to have



assaulted informant upon his head by means of farsa. It is further alleged that co-accused Binod Mukhiya is said to have assaulted informant's son Ranjeet Mukhiya upon his head by means of farsa and further informant's nephew (*jaut*) Sujeet Mukhiya sustained a pierce injury by means of iron rod in left portion of his back.

4. Learned counsel for the petitioners submits that co-accused Binod Mukhiya against whom there is specific allegation of assaulting the informant's son, has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 17394 of 2023 and on the principle of parity, the petitioners also deserve bail. He further submits that there is no specific allegation against the petitioners rather the allegation against them are general and omnibus in nature. He further submits that from the perusal of impugned order, it is clear that there is case and counter case between the parties on the same date of occurrence and in such type of cases free fighting cannot be ignored. He further submits that petitioners and informant are agnates. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under Section 308 and 354 of I.P.C. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Madhubani in connection with Rajnager P.S. Case No. 309 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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