

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8732 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- KUMAR KHAND District- Madhepura

Suren Mukhiya son of Late Bhupi Mukhiya Village- Jorabarganj Ps-
Kumarkhand Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Adv.

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kumarkhand P.S. Case No. 38 of 2023, registered on 02.02.2023 for the offences under Sections 341, 323, 354(B), 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons abused and assaulted the wife and other family members of the informant. The occurrence took place in the background of land dispute.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus

allegation against the petitioner and other co-accused persons and no specific overt act has been attributed to the petitioner. The petitioner is the own brother of the informant and land dispute is admitted in the F.I.R itself. From the narration of the occurrence, it is evident that no offence under Section 307 of the Indian Penal Code is made and the incorporation of Section 354(B) of the Indian Penal Code is merely ornamental. Other evidence areailable. The FIR has been lodged after much delay and there is no explanation for the same. This case has been lodged only to pressurize the petitioner and his family for illegal benefits by the informant. Learned counsel further submits that the petitioner has got no criminal history.

5. Learned A.P.P. appearing for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. appearing for the State submits that from the rejection order it appears that three victims received grievous injury and petitioner is named in the F.I.R. itself.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and the relationship of the parties and background of property dispute and also considering possibility of false accusation, let the

petitioner above named, in the event of his 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Madhepura in connection with Kumarkhand P.S. Case No. 38 of 2023, subject to the condition 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 petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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