

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9051 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- PATAHI District- East Champaran

1. Rajdhari Mukhiya S/O Late Shiv Mukhiya Village- Dumari Govind, Ps. Patahi, Dist. East Champaran.
2. Harinandan Mukhiya S/O Shyamdeo Mukhiya Village- Dumari Govind, Ps. Patahi, Dist. East Champaran.
3. Raushan Kumar S/O Rajdhari Mukhiya Village- Dumari Govind, Ps. Patahi, Dist. East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Patahi P.S. Case No. 171 of 2023 registered for the offences punishable under Sections 341, 323, 307 and 34 of the Indian Penal Code. They have one criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to assault the informant and others alongwith co-accused persons causing head and bodily injury by using *Lathi* and rod etc. where the alleged occurrence arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation qua physical assault is appearing very general and omnibus against petitioners, where nature of injury is



also simple. It is further pointed out that occurrence took place in background of land dispute. It is submitted that this is a case of single assault and from the fact as alleged through F.I.R., it cannot be gathered prima-facie that any case under Section 307 of the I.P.C. is made out against these petitioners. While concluding argument, learned counsel for the petitioners submitted that petitioners found involved in one more criminal case where they are on bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions and by taking note of the fact as allegation qua assault is not repeated where nature of injury found simple, accordingly, all above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Patahi P.S. Case No. 171 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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