

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16126 of 2024

Arising Out of PS. Case No.-423 Year-2021 Thana- KESARIA District- East Champaran

1. Bidesi Mukhiya @ Videsi Mukhiya SON OF Gorak Mukhiya Village- Bathna, P.S.- Kesariya, District- East Champaran, Motihari
2. SHRI BHAGWAN MUKHIYA SON OF VIDESHI MUKHIYA @ BIDESI MUKHIYA Village- Bathna, P.S.- Kesariya, District- East Champaran, Motihari
3. VIKASH MUKHIYA @ BIKASH MUKHIYA @ BIKASH KUMAR MUKHIYA SON OF BIDESI MUKHIYA @ VIDESHI MUKHIYA Village- Bathna, P.S.- Kesariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 423 of 2021 for the offence under sections 341, 323, 302, 504, 506/34 of the I.P.C. lodged on 22.11.2021 by the informant, Janki Devi.

3. As per the prosecution story, the informant alleged that due to some dispute between the children, the informant and her husband had scolded the son of the accused. The allegation is that later, petitioner no. 1, Bidesi Mukhiya came and gave slap to the informant's husband. He being a disabled person, fell down. Thereafter, the other accused persons



including the petitioner nos. 2 and 3 assaulted indiscriminately. This was extended to her daughter also who came to save them. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that omnibus allegation is against all of them, due to enmity, the FIR.

5. Learned APP points out that so far as petitioner nos. 2 and 3 are concerned, allegation is of indiscriminate assault.

6. Taking into account the aforesaid facts, so far as petitioner nos. 2 and 3 namely, Shri Bhagwan Mukhiya and Vikash Mukhiya are concerned, their anticipatory bail application stands rejected,

7. So far as petitioner no. 1, Bidesi Mukhiya @ Videsi Mukhiya is concerned, he is an aged person, there is only allegation of slapping the informant's husband against him, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 1 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran at Motihari, in connection with Kesariya P.S. Case No. 423 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 1 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no. 1 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Rajiv Roy, J)

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