

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28240 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

1. Meera Devi W/o- Chutahru Mukhiya @ Chhutahru Mukhiya Village- Chillarahi W.No-5, Ps- Sonbarsa Raj Dist- Saharsa
2. Chutahru Mukhiya @ Chhutahru Mukhiya son of Late Shivan Mukhiya Village- Chillarahi W.No-5, Ps- Sonbarsa Raj Dist- Saharsa
3. Mithilesh Mukhiya @ Mithlesh Kumar Mukhiya son of Chutahru Mukhiya @ Chhutahru Mukhiya Village- Chillarahi W.No-5, Ps- Sonbarsa Raj Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Chitra Gupta, Advocate
		Mr. Ashwani Raj Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Binod Kumar Sinha, learned counsel for the petitioners, Mr. Chitra Gupta, learned counsel appearing on behalf of the informant as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonbarsa Raj P.S. Case No. 188 of 2023, F.I.R. dated 13.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, the allegation



against the petitioners and other accused persons is of assaulting the informant and her family members due to which they received injuries.

4. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner nos. 1 and 2 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner nos. 1 and 3 but there is specific allegation against the petitioner no. 3 that he assaulted Meena Devi due to which she received 4 injuries which are as follows;

1. A lacerated injury over right wrist at palm size 2" x 1/2"
2. A lacerated injury over right shoulder size 2" x 1/2"
3. A lacerated injury over abdomen size 2" x 1/2"
4. A lacerated injury over head size 1 1/2" x 1/2"

He further submits that it appears from the injury report that the injuries are not on the vital part of the body and there is case and counter case between the parties and both sides have sustained injuries.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and



submits that there is specific allegation against the petitioner no. 3 that he has assaulted Meena Devi and the it reflects from the injury report that the opinion is reserved regarding the nature of injury.

6. Considering the aforesaid facts and circumstances that the petitioner no. 3 has clean antecedent, there is case and counter case between the parties and injuries are found on the vital part of the body, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa in connection with Sonbarsa Raj P.S. Case No. 188 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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