

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35077 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- MADHEPUR District- Madhubani

Shyam Bihari Mukhiya @ Shyam Bihari S/o Dinesh Mukhiya R/o vill - Bhith
Bhagwanpur, P.S. - Madhepur, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2024 Heard the parties.

2. The petitioner apprehends her arrest in connection with Madhepur PS. Case No. 144 of 2023 for the offence registered under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code lodged on 02.06.2023 by the informant, Manju Devi.

3. As per the prosecution story, there was quarrel between the two sisters-in-law (Gotnies) in which the husbands also stepped in and the allegation against Chhote Lal Mukhiya is of giving 'dabiya' blow on the neck of Mahesh Mukhiya, the husband of the informant.

4. So far as this petitioner is concerned, it is alleged that he gave some slaps. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that all



of them are brothers, the petitioner do not have criminal antecedent and only due to land dispute, the implication.

6. Learned APP opposes the prayer.

7. Taking into account the fact that the main allegation is against Chhote Lal Mukhiya of giving 'dabiya' blow on the neck of Mahesh Mukhiya, this petitioner only has slapped, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Madhepur PS. Case No. 144 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		t	
---	--	---	--

