

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40244 of 2024

Arising Out of PS. Case No.-1104 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Madhav Mukhiya @ Madho Mukhiya Son of Tulsi Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 2. Yadav Mukhiya Son of Tulsi Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 3. Ganesh Mukhiya @ Ganesh Kumar Son of Madhav Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 4. Ramesh Mukhiya @ Ramesh Kumar Son of Yadav Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 5. Kamlesh Kumar @ Naresh Kumar Son of Yadav Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 6. Koshila Devi @ Koushila Devi Wife of Madhav Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran
 7. Sewanti Devi @ Sewati Devi Wife of Yadav Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Puja Devi Wife of Birendra Mukhiya Resident of Village-Chailaha Bin Tola, P.S- Banjariya, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Bihari Singh, APP
For the Informant	:	Mr. Priyesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner as also the

State and the informant.

2. The petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 1104 of 2023 for the offence punishable under sections 147, 148, 341, 323, 324, 307, 354 and 504 of the I.P.C. lodged on 26.10.2023 by the informant, Pooja Devi.



3. As per the prosecution story, the informant alleged that the accused persons were abusing the informant side and when she left the said place, they came and allegation against petitioner no. 1, Madhav Mukhiya is of giving 'iron rod' blow causing injury on the head. Further, her father-in-law was assaulted by Yadav Mukhiya (petitioner no. 2) by knife, he also sustained injury on his nose. Ganesh Mukhiya and Ramesh Mukhiya (petitioner nos. 3 and 4) threw her on the ground and outraged her modesty while Birendra Mukhiya gave 'sickle' blow causing injury on the hand. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that erroneously, earlier he failed to record that petitioner nos. 1,2,6 and 7 have criminal antecedent which he has brought on record by way of supplementary affidavit. He is cautioned to take utmost care in filing the petition inasmuch as the learned Session Judge Order itself shows that the four accused persons have criminal antecedent but the same was not incorporated in the main petition and later, realizing the mistake, it has been brought on record by way of supplementary affidavit.

5. Learned counsel for the informant submits that a perusal of the FIR would show that the allegation against Madhav Mukhiya, Birendra Mukhiya as also Yadav Mukhiya is/are



of giving blows to the informant and father-in-law causing injury.

6. In that background, so far as petitioner nos. 1 and 2 namely, Madhav Mukhiya and Yadav Mukhiya are concerned, the anticipatory bail application stands rejected.

7. Regarding petitioner nos. 3 to 7 namely, Ganesh Mukhiya, Ramesh Mukhiya, Kamlesh Mukhiya, Koshila Devi and Sewanti Devi are concerned, in view of the fact that no main role has assigned to them though there is allegation of throwing lady on the ground on petitioner nos. 2, 4 and 5, they (petitioner nos. 3, 4 and 5) do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 3 to 7 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 ACJM VI, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 1104 of 2023 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/relative of the petitioner nos. 3 to 7 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 3 to 7 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 nos. 3 to 7 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 3 to 7 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 nos. 3 to 7 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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