

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51437 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- BHAPTIAHI District- Supaul

1. Deo Narayan Mukhiya Son Of Late Puhuplal Mukhiya Resident Of Village - Narayanpur, P.S. - Bhapatiyahi, District - Supaul
2. Chandan Kumar Son Of Dev Narayan Mukhiya Resident Of Village - Narayanpur, P.S. - Bhapatiyahi, District - Supaul
3. Krishna Mohan Singh Son Of Vijay Kumar Singh Resident Of Village - Narayanpur, P.S. - Bhapatiyahi, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Adv.
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Bhaptiyahi P.S. Case No. 113 of 2023 dated 23.07.2023, lodged under Sections 341, 323, 324, 379, 308, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 6 named (including the present petitioners) and 3-4 unknown accused persons. The allegation against petitioner no.1 is that he has snatched Rs.1200/- from the informant's father. The allegation against petitioner no.2 is that he has put *gamcha* on



the neck of the informant's father and then accused Ravindra Kumar assaulted the informant's father on his head by sword. The allegation against the petitioner no.3 is that he has abused informant's father.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioner's side and informant's side are resident of same village and they are well-known to each other. Counsel further submits that due to petty village politics, scuffling took place from both the sides and it was the informant's side who were attacked earlier due to which the petitioners and others were injured. Counsel submits that one FIR has been lodged from the petitioners side i.e. Bhaptiyahi P.S. Case No.114 of 2023 and one FIR has been lodged from the informant's side i.e. Bhaptiyahi P.S. Case No.113 of 2023. Counsel also submits that the injury has been caused from both the sides and injuries are simple in nature.

5. Learned counsel for the petitioners submits that none of the parties are criminal and due to local village politics, scuffling took place between them. Counsel further submits that the criminal antecedent of the petitioners are not clean as there are two criminal cases pending against petitioner no.1, one



criminal case is pending against petitioner no.2 and three criminal cases are pending against petitioner no.3. Counsel submits that there is a title suit which is also pending between the parties bearing Title Suit No.341 of 2018 and the basic cause of dispute is the sale of fishing.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today as well as on being satisfied by the Trial Court that the petitioners are not absconding in any of the cases pending against them which is mentioned below, on furnishing bail bond of Rs.30,000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No. 113 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. Pending cases against petitioner no.1 are as follows:-

- Complaint Case No.263 (c) of 2001
- Bhaptiyahi P.S. Case No.168 of 2022



9. Pending case against petitioner no.2 is as follows:-

- Bhaptiyahi P.S. Case No. 168 of 2022

10. Pending cases against petitioner no.3 are as follows:-

- Complaint Case No.995 (c) of 2014
- Bhaptiyahi P.S. Case No. 03 of 2011
- Bhaptiyahi P.S. Case No. 168 of 2022

(Dr. Anshuman, J)

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