

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43780 of 2024

Arising Out of PS. Case No.-1072 Year-2022 Thana- SUPAUL District- Supaul

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1. Anil Kumar S/o Dinesh Mukhiya RESIDENT OF BHURAH, WARD NO. 09, POLICE STATION - SUPAUL, DISTT. - SUPAUL
 2. Prakash Mukhiya S/o Asharfi Mukhiya RESIDENT OF BHURAH, WARD NO. 09, POLICE STATION - SUPAUL, DISTT. - SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending arrest in connection with Supaul P.S. Case No. 1072 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506, 354, 308, 379/34 of the Indian Penal Code.

3. As per prosecution case, there is allegation against petitioner no. 2 who is said to have assaulted upon the head of the informant by means of Dabiya, as a result of which she sustained injury and there is allegation against petitioner no. 1 who is said to have dragged the informant by catching hold of her saree, as a result of which she became undressed.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely



implicated in this case. It is further submitted that there is allegation of assault by sharp cutting weapon i.e. Dabiya which is totally inconsistent with the injury report as contained in Annexure-2 of the bail petition which indicates that the injuries sustained by the informant have been caused by hard and blunt object and the same are simple in nature. It is further submitted that there is a land dispute between the parties regarding family partition and in case of land dispute facts are generally exaggerated in order to make the offence graver. Petitioners bear no criminal antecedent

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saupaul in connection with Supaul P.S. Case No. 1072 of 2022, subject to the conditions as laid



down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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