

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49438 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- BHAPTIAHI District- Supaul

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1. Mahendra Mukhiya Son of Late Garbhu Mukhiya VILLAGE- MURLI, WARD NO. 1, .S.- BHAPTIYAH, DISTT.- SUPAUL
 2. Ravindra Mukhiya Son of Ram Chandra Mukhiya VILLAGE- MURLI, WARD NO. 1, .S.- BHAPTIYAH, DISTT.- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-09-2024 Heard Learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Bhaptiyahi P.S. Case No.38 of 2024 under Sections 341, 323, 307, 354B, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against three named accused persons including the petitioners against whom there is allegation that they entered into the house of the informant with iron rod and assaulted the informant's family and also tried to outrage modesty of the daughter of the informant, and subsequently for treatment, they have referred to



the Hospital and it has been alleged due to attack by one accused Satto Mukhiya and brutally assaulted on the left hand of the informant.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners and informant's side are resident of same village and due to local village politics, strange relation has developed between the parties. He further submits that from bare perusal of the F.I.R., it become clear that earlier dispute was going on between the parties. He further submits that there was pending case against the petitioner and counter-case from the informant's side. One title suit is also pending between both the parties about which rejection order of the trial court has been acknowledged.

5. Learned Counsel further submits that the pending cases between the parties are Sessions Trial No.157 of 2023 Bhaptiyahi P.S. Case No.39 of 2024 and Title Suit No.225 of 2023. He further submits that a general and omnibus allegation against the petitioners and there is no specific allegation against the petitioners and petitioners are ready to fulfill all the condition whatsoever shall be imposed upon them

6. Learned Counsel also submits that petitioners have



one criminal case pending against them in which they are on bail.

7. Learned APP for the State opposes the prayer for bail and submits that case diary has been called for. In the case diary, injury report has come. Upon perusal of the injury report, it transpires that injury has already been mentioned in the prescription.

8. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 6 weeks from today, after being satisfied by the trial court that the petitioners are not absconding in the pending cases *i.e.*, (i) Bhaptiyahi P.S. Case No.06 of 2024, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No.38 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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