

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49644 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- BIHRA District- Saharsa

Birbal Mukhiya S/o Late Jagdish Mukhiya R/o vill - Purikh (Purshotampur),
P.S. - Bihra, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioner seeks bail in connection with Bihar
P.S. Case No. 80 of 2024 instituted for the offences under
Sections 341, 323, 324, 325, 307, 379, 384, 504, 506, 34 of the
Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time of occurrence, the petitioner and other co-accused
persons armed with lathi-danda and other lethal weapons were
trying to unload the bricks with an intention to grab the land of
the informant. On protest, scuffle took place between the
parties. It is further alleged that this petitioner gave knife blow



to the Kishore Mukhiya which hit him beside left ear.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. Learned counsel further submits that the only specific allegation levelled against the petitioner is that he gave knife blow to one Kishore Mukhiya but the injury sustained by him is simple in nature. Learned counsel further contended that there is no repetition of knife blow and, therefore, the same implies that petitioner had no intention to any commit murder, hence, Section 307 of the Indian Penal Code is not attracted. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of injury as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihar P.S. Case No. 80 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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