

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52557 of 2023

Arising Out of PS. Case No.-133 Year-2018 Thana- CHHAURADANO District- East
Champaran

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1. Rudal Mukhiya, Son Of Manshi Mukhiya, R/O-Maghi, P.S.-Chhauradano, Distt.-East Champaran.
 2. Dharman Mahto @ Dharman Kumar, Son Of Late Biltu Mahto, R/O-Bela, P.S.-Chhauradano, Distt.-East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr Binod Kumar, Advocate

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 08-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Chhauradano P.S. Case No. 133 of 2018 dated 17.05.2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the I.P.C.

4. As per the prosecution case, on 17.05.2018 at about 2.00 P.M., the petitioners and the co-accused persons holding weapons in their hands came to Baherwa Pond and when the informant raised objection, on the order of the co-accused Ram Chandra Prasad @ Bhola Mukhiya, the petitioners with an



intention to commit murder gave farsa blow on the informant's head causing injury. When Intaz came to rescue, all the accused persons also assaulted him with lathi, fatha and an iron rod. The co-accused Sanjay Mukhiya and Ramayan Mukhiya opened fire from Nalkati, but the same was missed.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is pond dispute and also case and counter case between the parties. It is further submitted that the Investigating Officer has submitted a report stating therein that neither the injury report of Md. Shamshad is available alongwith the case diary nor he has been admitted for his treatment in any hospital as per the report of S.H.O. concerned. The petitioners have two criminal antecedents as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like



amount each to the satisfaction of learned court concerned,
Raxaul at Motihari in connection with Chhauradano P.S. Case
No. 133 of 2018, subject to the condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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