

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54148 of 2024

Arising Out of PS. Case No.-699 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Bauku Mukhiya Son of Chinagi Mukhiya R/O Vill.- Bhotiya, P.s.- Simri, Bakhtiyarpur, Balwahat O.P., Dist.- Saharsa.
 2. Chunchun Devi Wife of Bhoni Mukhiya @ Mani Mukhiya R/O Vill.- Bhotiya, P.s.- Simri, Bakhtiyarpur, Balwahat O.P., Dist.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2024 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 504 of the Indian Penal Code.

3. As per prosecution case, on 25.12.2023, when informant went to plough his ancestral land by tractor, in the meantime, all 22 F.I.R. name accused persons and some unknown persons, variously armed, started abusing and assaulting informant and his companion and lady members started throwing chili powder upon them due to which driver of the tractor sustained head injury. It is further alleged that the accused persons also snatched gold chains of several companions of informant.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute. As a matter of fact, the land in question was purchased by co-accused Fekan Mukhiya and on the alleged date of occurrence, informant along with his companion, variously armed, came on three tractors and forcibly started ploughing the land and on protest, co-accused Fekan Mukhiya was brutally assaulted by the informant's side for which Bakhtiyarpur (Balwahat O.P.) P. S. Case No. 703/2023 was lodged on 28.12.2023 against informant and others. Allegation of assault is general and omnibus and there is no allegation of specific overt act against these petitioners. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (Balwahat O.P.) P. S. Case No. 699 of 2023, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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