

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60943 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- BAJPATI District- Sitamarhi

1. Nathuni Mukhiya son of Chhathu Mukhiya village- Madhurapur ward no. 8, P.S- Bajpatti, Dist.- Sitamarhi
2. Ram Hriday Mukhiya son of Surendra Mukhiya village- Madhurapur ward no. 8, P.S- Bajpatti, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Ms. Renu Kumari

Mr. Uday Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 01-10-2024 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The learned counsel for the petitioners, after some argument realizing his difficulties, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, Ram Hriday Mukhiya.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, Ram Hriday Mukhiya.



5. The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379 and 504/ 34 of the Indian Penal Code.

6. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.06.2024, while he was sitting at his door when all the accused persons including the petitioner came variously armed and started abusing the informant on account of previous dispute relating to passage, on protest, it is alleged that Laxmi Mukhiya assaulted the informant by *Dabiya* causing injury on head, thereafter Raju Mukhiya assaulted the informant by rod causing injury on his hand, thereafter Ram Hriday Mukhiya assaulted the wife of the informant by *farsa* and Chhathu Mukhiya assaulted her by rod, thereafter, Prabhu Mukhiya and Subodh Mukhiya disrobed the wife of the informant and wife of his brother while Sonawati Devi and Sagar Devi snatched golden chain from the wife of the informant.

7. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case



by the informant. It is further submitted that on account of dispute relating to passage, an altercation had taken place, in which both sides assaulted each other. It is also submitted that from the side of the petitioner the wife of Kundan had filed a complaint. It is next submitted that even presuming what has been alleged is true without admitting, then the injury suffered by the informant is simple in nature, which amply demonstrates that petitioner never had any intention of committing a serious offence.

8. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the injury suffered by the informant is simple in nature.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bajpatti P. S. Case No.160 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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