

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62707 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- BANJARIA District- East Champaran

1. Sharawan Mukhiya S/O- Lalbahadur Mukhiya Village- Rohiniya Ps- Banjariya Dist- East Champaran
2. Rajan Kumar Son Of Prabhu Mukhiya Village- Rohiniya Ps- Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Banjariya P.S. Case No. 87 of 2024 dated 14.05.2024 registered for the offences punishable u/s 147, 149, 323, 324, 307, 354, 379, 504/34 of the Indian Penal Code.

3. As per the prosecution case, while the informant was sitting at his door, the co-accused persons, variously armed, came there and started abusing. When protested, the co accused Lalbahadur and Prem Mukhiya srtarted dragging him by tying towel in his neck. When his son came for his rescue then Prem



Kumar assaulted him due to which he sustained head injuries. It is further alleged that Gena Mukhiya came for his rescue, Sharawan Mukhiya (Petitioner No. 1) assaulted him by means of iron rod due to which he also sustained head injuries. Priti Kumari was also assaulted by Prem. It is further alleged that when his wife came for his rescue, the co-accused Lalbahadur tore her clother and co-accused Koshila snatched her gold Mangalsutra, Sikila took gold Locket from Priti while Punkali took Rs. 5,000/- from his pocket.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Both the parties are agnates and in the background of land dispute, altercation took between the parties. There is case and counter case between them. It is further submitted that the informant's side is real aggressor and they have also assaulted the petitioners' side. It is further submitted that except petitioner No. 2, all other accused persons are alleged with specific allegations and there is general and omnibus allegation against them. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 16.05.2024.

5. Learned A.P.P. for the State has opposed the bail



petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Banjariya P.S. Case No. 87 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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