

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68704 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BHIMPUR District- Supaul

1. Om Prakash Mukhiya S/o- Kedam Lal Mukhiya Resident of Village- Belaganj Ward No. 14, P.S. Bheempur, District- Supaul
2. Kadam Lal Mukhiya Son of Late Gaurakh Mukhiya @ Goraru Mukhiya Resident of Village- Belaganj Ward No. 14, P.S. Bheempur, District- Supaul
3. Harihar Mukhiya Son of Late Gaurakh Mukhiya @ Goraru Mukhiya Resident of Village- Belaganj Ward No. 14, P.S. Bheempur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bheempur P.S. Case No. 15 of 2024 registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506 & 34 of the Indian Penal Code and Section 3, 4 of the Witch (Dian) Act.

3. Prosecution case in short is that co-accused persons, including the petitioners have assaulted the informant by means of *farsa*, iron rod, *dabiya*, *kachiya*, due to which informant sustained injuries.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. It is alleged that petitioner Nos. 2 & 3 are order giver, whereas, it is alleged against petitioner No. 1 that he has assaulted the informant by means of iron rod, but the injury is found to be simple in nature. It is submitted that there is delay of nineteen days in lodging of the FIR. It is next submitted that there is case and counter case between the parties. Petitioner No. 1 bears one criminal antecedent, while petitioner Nos. 2 and 3 bear no criminal antecedent.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. It is submitted that there is specific allegation against petitioners of assault, hence, they do not deserve the privilege of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner No.2 and petitioner No.3 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bheempur P.S. Case No. 15 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. So far as petitioner No. 1, namely, Om Prakash Mukhiya is concerned, considering the specific allegation of assault by means of iron rod upon the informant, this Court is not inclined to grant anticipatory bail to petitioner No. 1. Accordingly, prayer for grant of anticipatory bail of petitioner No. 1 is *rejected*.

8. However, if the petitioner No. 1 surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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