

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71816 of 2024

Arising Out of PS. Case No.-278 Year-2024 Thana- SUPAUL District- Supaul

Devendra Mukhiya S/o- Mangal Mukhiya Village- Malhani Sukhpur ward no-
2, Ps- Supaul Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Supaul P.S. Case No. 278 of 2024 dated 27.04.2024, instituted
for the offence punishable under Sections 341, 323, 324, 307,
379, 504, 506 and 354/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of
occurrence all the accused persons named in F.I.R. armed with
different weapons came to house of the informant. Thereafter,
one Mangal Mukhiya ordered other accused persons to assault
him on which they started assaulting him. He further stated that
Ramfal Mukhiya assaulted on the head of the informant by
means of *Farsa*, Devendra Mukhiya assaulted on the head of
son of informant, namely, Govind Mandal by means of iron-rod



and other accused also assaulted him by means of *lathi*, rod, kicks and fists. He has also alleged that the Mangal Mukhiya looted cash of Rs. 28000/ and one Santosh Kumar Mukhiya molested the daughter-in-law of informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is specific allegation against the petitioner that he assaulted the son of the informant, namely, Govind Mandal on his head by means of iron rod causing head injury. It is submitted that the injury report reveals that there are two injuries i.e. (i). Lacerated wound on the left parietal region and (ii). Bruise on the left hand 5" x 3". The doctor has opined that nature of injury in (i) is simple and nature of injury in (ii) is found to be grievous. It is submitted that there is no allegation against the petitioner that he assaulted on the hand of Govind Mandal. It is submitted that there is a case and counter case between the parties. Counter case has been lodged by wife of Ramphal Mukhiya (co-accused) *vide* Supaul P.S. Case No. 281 of 2024 against the informant and others under Section 307 and other allied sections of the I.P.C.. It is further submitted that both the parties are next door neighbour. Lastly, it has been submitted that he has one criminal case against him.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Supaul P.S. Case No. 278 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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