

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71808 of 2024

Arising Out of PS. Case No.-4 Year-2022 Thana- NIRMALI District- Supaul

1. Ram Babu Mukhiya @ Ram Bahadur Mukhiya Son of Bachhu Mukhiya R/O Vill.- Majhari, P.S.- Nirmali, Dist.- Supaul.
2. Satya Narayan Mukhiya Son of Achhelal Mukhiya R/O Vill.- Majhari, P.S.- Nirmali, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners apprehend arrest in connection with Nirmali P.S. Case No. 04 of 2022 dated 12.01.2022, instituted for the offence punishable under Sections 341, 323, 324, 307, 352, 380, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of occurrence the petitioners along with other co-accused persons armed with *Bhala*, *Farsa*, *Kudali* and *Dabiya* forcefully entered into the house of the informant and started abusing. On protest, they assaulted the informant and her husband. The petitioner no. 1, Ram Babu Mukhiya, and petitioner no. 2, Satyanarayan



Mukhiya assaulted the informant, her father and brother, namely, Bijendra on their head by means of *Bhala* due to which they sustained head injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation against petitioner no. 1 and petitioner no. 2, that they assaulted the informant, her father and brother on the head by means of *Bhala* due to which they sustained head injury. It is submitted that the F.I.R. has been lodged against 9 accused persons after three days of the occurrence without any plausible explanation for delay. It is submitted that on bare perusal of the impugned order, it appears that the learned Additional Sessions Judge-V has recorded the injury mentioned in the injury report with regard to Rita Devi and Mahendra Mukhiya, both of them have sustained simple injuries caused by hard and blunt substance. It is submitted that there is a land dispute between the parties. It is further submitted that there is a case and counter case between the parties. The counter case has been lodged by petitioners *vide* Nirmali P.S. Case No. 08 of 2022 against the prosecution party. Lastly, it has been submitted that they have one criminal case against them.



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

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 petitioners within a period of six weeks from today, in connection with Nirmali P.S. Case No. 04 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist Class, Birpur at Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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