

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76098 of 2024

Arising Out of PS. Case No.-434 Year-2024 Thana- SIKARPUR District- West Champaran

Birgun Mukhiya @ Virgun Mukhiya S/o- Late Nathuni Mukhiya Village-
Shekhwaniya Fulwariya PS- Shikarpur Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-10-2024 Heard Mr. Vatsal Verma, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Shikarpur P.S. Case No. 434 of 2024 for the offence punishable under sections 341, 323, 307, 324, 354, 379 read with Section 34 of the Indian Penal Code lodged on 28.06.2024 by the informant, Rekha Devi.

3. As per the prosecution story, the informant (lady) alleged that due to the land dispute, on the fateful day, the named accused persons came and attacked the informant's side.

The allegation is as follows:

*i) informant was assaulted on
head by Birgun Mukhiya by axe;*

ii) Pawan Mukhiya assaulted the



elder brother-in-law, Umesh Mukhiya with Garasa injuring the hand and the head;

iii) Khelawan Mukhiya assaulted elder brother-in-law, Mahangu Mukhiya on the head with farsa causing injury;

iv) the father-in-law, Shankar Mukhiya was assaulted by Bachcha Mukhiya with rod on the head.

4. The allegation is that due to the said land dispute, they keep on assaulting and in the process they also outraged the modesty of the informant. As the locals intervened, the injured were shifted to Narkatiaganj Government Hospital and thereafter, the GMC Hospital, Bettiah, whereafter, the FIR.

5. Learned counsel for the petitioner submits that there is a case and also subsequently the complaint case by the informant's side, though the same is belated. Further, the injuries that have come against the informant's side is part of Annexure- P/3 which shows that the lady has suffered simple injury. The last submission is that he is in custody since 01.07.2024 (para 19 of the petition).

6. Learned APP opposes the prayer for bail submitting that the accused persons armed variously came and assaulted the informant's side causing injuries to number of family members besides the informant.



7. Considering the submissions put forward by the parties as also the fact that the injury to the lady has been found to be simple in nature, he is in custody since 01.07.2024 (para 19 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 434 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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