

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77297 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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SURESH MUKHIYA S/O LATE NAITI MUKHIYA R/O VILLAGE-
SUGHRAIN, P.S- KUSHESHWAR ASTHAN, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kusheshwar Asthan P.S. Case No. 105 of 2022 dated 18.03.2022 registered for the offences punishable u/ss 341, 323, 302, 504 and 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant's husband when he was going to sleep, due to that he got injured and became unconscious. Thereafter, the co-accused Suraj Mukhiya @ Chhatilal Mukhiya also assaulted on the head of the informant's husband with iron rod due to that he died on the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. There is general and omnibus allegation against the petitioner. There is no specific allegation of assault against the petitioner. The specific allegation of assaulting the informant's husband with iron rod is against the co-accused Suraj Mukhiya @ Chhatilal Mukhiya. The co-accused persons have already been granted regular bail by this court vide order dated 31.07.2023 passed in Cr. Misc. No. 44354 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.03.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Biraul (Darbhanga) in connection with Kusheshwar Asthan P.S. Case No. 105 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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