

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84124 of 2023

Arising Out of PS. Case No.-417 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Sunil Mukhiya Son of Satya Narayan Mukhiya @ Gango Mukhiya,
 2. Satya Narayan Mukhiya Son of Late Siya Charan Mukhiya
 3. Kis Kumar Mukhiya @ Krishna Kumar Mukhiya @ Krishna Kumar Son of Satya Narayan Mukhiya
- All are Residents of Village - Lakshminiya, P.S. - Kusheshwar Asthan,
District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Nibash Prasad, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Ram Nibash Prasad, learned counsel

appearing on behalf of the petitioners and Mr. Prem Kumar Jha,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kusheshwar Asthan P.S. Case No. 417 of 2022 dated
09.12.2022 registered for the offence(s) punishable under
Sections 341, 323, 324, 325, 308, 379, 354, 504, 506 and 34 of
the Indian Penal Code.

3. As per the allegation made in the FIR, six accused
persons named therein including the petitioners outraged the
modesty of the informant and also assaulted the informant, her



husband and their son.

4. Learned counsel appearing on behalf of the petitioners submitted that informant and petitioners are neighbours and due to dispute, they have been made accused on the basis of false accusation. The allegation against petitioner no.1 is that he assaulted the informant on her hand, while petitioner no.2 had assaulted by means of the *farsa* on the head of husband of the informant and there is general and omnibus allegation against petitioner no.3. Learned counsel further submitted that the injury sustained by the husband of the informant is simple in nature and there is no repeated blow with an intention to commit murder. There is case and counter case which has been lodged by petitioner no.1, alleging therein that petitioners' side also sustained injury.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the facts that there is case and counter case between the parties and due to certain dispute, altercation took place between both the parties in which the petitioners in their self-defence might have caused injury to the informant and her husband and also the fact that there is no repeated blow, I am of



the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul in connection with Kusheshwar Asthan P.S. Case No. 417 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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