

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1772 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- SANGRAMPUR District- East Champaran

Upendra Mukhiya, Son of Indal Mukhiya, R/o vill - Koirgawa, P.S. - Sangrampur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
		Ms. Rashmi Jha, Advocate
For the State	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, all the FIR named accused persons, including this petitioner, and 20-25 unknown miscreants were damaging the boundary wall of the land of the informant. When the informant and his son objected, all the accused persons assaulted him and his son. In the meantime, co-accused persons, namely, Sabbi Mukhiya, Munna Mukhiya, Indal Mukhiya and Shambhu Mukhiya caught hold of the son of the informant whereas the co-accused Chandeshwar Mukhiya gave axe blow on the chest of the informant's son as a result of which he died.



4. It is submitted by learned counsel appearing on behalf of the petitioner that specific allegation of assault is against co-accused Chandeshwar Mukhiya. So far as this petitioner is concerned, there is no specific accusation of assault and he is only alleged to have caught hold of the informant. This petitioner is not alleged to have assaulted or caught hold the deceased.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances and nature of accusation, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, East Champaran at Motihari, in connection with Sangrampur P.S. Case No.5 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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