

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6237 of 2024

Arising Out of PS. Case No.-158 Year-2020 Thana- BENIPATTI District- Madhubani

Vishwananth Mukhiya @ Shiv Nath Mukhiya S/O Rajendra Mukhiya R/O
Village- Sauhas, P.S- Bisfi (PATAUNA), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Benipatti P.S. case No.
158 of 2020 instituted for the offences under Sections 448, 341,
323, 307, 302, 380, 427, 504/34 of the Indian Penal Code..

3. Prosecution allegation, in short, is that owing to
land dispute going on in the family, the accused persons
including the petitioner assaulted the son of the informant due to
which he sustained injuries and later succumbed to the injuries.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. There is admitted
land dispute between the parties. Specific allegation of assault is



alleged against three accused persons including the petitioner. The petitioner is in custody since 04.09.2023 and has no criminal antecedent. Co-accused namely Akhilesh Mukhiya against whom similar allegation was made has been granted bail by a Coordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 12056 of 2022..

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, clean antecedent of the petitioner and the claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Benipatti P.S. case No. 158 of 2020 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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