

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2222 of 2024**

Arising Out of PS. Case No.-423 Year-2021 Thana- KESARIA District- East Champaran

Brij Kishor Mukhiya Son Of Bideshi Mukhiya Resident Of Village - Bathana,  
P.S. - Keshariya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mrs.Rita Verma

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      31-01-2024                      Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 323, 302, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, on 03.11.2021 at about 5 PM, dispute arose between the sons of informant and petitioner over playing ‘*Ludo-Gitti*’, thereafter, the alleged incident took place, in which, it is alleged that this petitioner alongwith other co-accused persons assaulted the husband of informant with *lathi-danda*, as a result of which, in course of treatment, the husband of informant died.

4. It is submitted on behalf of petitioner that there is general and omnibus allegation of assault against this petitioner. As per F.I.R., the alleged incident took place on 03.11.2021, but



F.I.R. has been lodged on 22.11.2021 after the death of husband of informant and there is no plausible explanation of delay. As a matter of fact, no such incident took place, but due to previous enmity, the informant has lodged this false and concocted case against petitioner and others. Petitioner has got clean antecedent.

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

6. Considering the delay in lodging the F.I.R. and clean antecedent of petitioner, 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 C.J.M., Motihari, East Champaran in connection with Kesariya P.S. Case No. 423 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

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