

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86660 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- SAKRA District- Muzaffarpur

1. Shiv Chandra Mukhiya @ Shivchandra Mukhiya S/o Satyanarayan Mukhiya Residento of Village - Sundarpur, P.S. - Sakra, Dist.- Muzaffarpur.
2. Ram Balak Mukhiya @ Rambalak Mukhiya S/o Satyanarayan Mukhiya Residento of Village - Sundarpur, P.S. - Sakra, Dist.- Muzaffarpur.
3. Sujit Mukhiya @ Sujeet Kumar S/o Satyanarayan Mukhiya Residento of Village - Sundarpur, P.S. - Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar Patna city

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad, APP.
Mr. Sanjay Kumar @ S.K., Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-02-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354(B), 325, 307, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The present case is nothing but a counter blast of Complaint Case No. 2971 of 2023 filed by one Pushpa Devi, wife of petitioner no.1 against the informant's side. There is inordinate and abnormal delay of six days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant further submits that there is serious allegation against the petitioners to assault the informant's side brutally due to which they sustained injuries and one of the injuries is grievous in nature. Hence, they do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner nos. 2 & 3, let the above named petitioner nos. 2 & 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sakra P.S. Case No. 368 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific overt act against petitioner no.1, I am not inclined to enlarge him on bail. The prayer for bail of petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

