

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3522 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. SHASHI KANT MUKHIYA SON OF RAM BILASH MUKHIYA
RESIDENT OF VILLAGE - USRIGHAT, P.S. - KUSHESHWAR ASTHAN,
DISTRICT - DARBHANGA
 2. DAYANAND DAS @ DAYANAND MUKHIYA SON OF RAJENDRA
MUKHIYA RESIDENT OF VILLAGE - USRIGHAT, P.S. -
KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 3. NAND KISHORE MUKHIYA SON OF BALESHWAR MUKHIYA @
BISHESHWAR MUKHIYA RESIDENT OF VILLAGE - USRIGHAT, P.S. -
KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 4. RAM SWAROOP KUMAR SON OF SHANKAR MUKHIYA RESIDENT
OF VILLAGE - USRIGHAT, P.S. - KUSHESHWAR ASTHAN, DISTRICT
- DARBHANGA
 5. SHANKAR MUKHIYA SON OF MANTUN MUKHIYA RESIDENT OF
VILLAGE - USRIGHAT, P.S. - KUSHESHWAR ASTHAN, DISTRICT -
DARBHANGA
 6. RAM BHAJAN MUKHIYA SON OF MANTUN MUKHIYA RESIDENT
OF VILLAGE - USRIGHAT, P.S. - KUSHESHWAR ASTHAN, DISTRICT
- DARBHANGA
 7. PHULESHWAR MUKHIYA @ PHULESHWAR KUMAR MUKHIYA
SON OF MANTUN MUKHIYA RESIDENT OF VILLAGE - USRIGHAT,
P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 8. RAJ KISHORE MUKHIYA @ PALTU MUKHIYA @ PALLU MUKHIYA
SON OF BAHADUR MUKHIYA RESIDENT OF VILLAGE - USRIGHAT,
P.S. - KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA
 9. RAM BALAK MUKHIYA SON OF BAHADUR MUKHIYA RESIDENT
OF VILLAGE - USRIGHAT, P.S. - KUSHESHWAR ASTHAN, DISTRICT
- DARBHANGA
 10. JITENDRA KUMAR @ JITENDRA MUKHIYA SON OF RAM BHAJAN
MUKHIYA RESIDENT OF VILLAGE - USRIGHAT, P.S. -
KUSHESHWAR ASTHAN, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Avinash Kumar Sinha, Adv.
For the Opposite Party/s :	Mr.Suman Kumari Singh, APP.
	Mr. Sanjay Parasmani, Adv.
	Mr. Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

5 15-05-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 308, 354(B), 436, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have abused and assaulted the informant and her husband brutally. They also committed loot and set the informant's house on fire.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are co-villagers and there is admitted land dispute between them. They have been made accused in the present case merely due to previous enmity. 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 submits that there is direct and specific allegation against petitioner no.8 to assault one Phuleshwar Mukhiya and as per his injury report, the injury sustained by him on his left wrist was found grievous in nature. As the said Phuleshwar Mukhiya sustained grievous injury on his hand, the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against the petitioners except petitioner no.8, let the above named petitioner nos. 1 to 7 and 9 & 10, 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 Kusheshwar Asthan P.S. Case No. 314 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific and direct allegation against petitioner no.8, I am not inclined to enlarge him on



bail. The prayer for bail of the petitioner no.8 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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