

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13894 of 2025

Arising Out of PS. Case No.-301 Year-2024 Thana- JOGAPATTI District- West Champaran

1. Jhagaru Mukhiya @ Jhagran Mukhiya @ Agaran Mukhiya S/o- Late Prasad Mukhiya Village- Padaraun Pararawan Police station-Yogapatti District- west Champaran
2. Chait Mukhiya S/o- Jhagaru Mukhiya Village- Padaraun Pararawan Police station-Yogapatti District- west Champaran
3. Harendra Mukhiya S/o- Ganesh Mukhiya Village- Padaraun Pararawan Police station-Yogapatti District- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Learned counsel for the petitioners seeks permission to withdraw this bail application with respect to petitioner no.3, namely, Harendra Mukhiya.

2. Permission is granted.

3. Accordingly, the bail application stands dismissed as withdrawn with respect to petitioner no.3, namely, Harendra Mukhiya.

4. Heard Mr. Brij Kishor Mishra, learned counsel for the petitioners and Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in



connection with Yogapatti P.S. Case No. 301 of 2024, F.I.R. dated 04.10.2024 for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 109, 74, 303(2), 351(2) and 352 of the Bharatiya Nyay Sanhita, 2023.

6. According to prosecution case, the informant alleged that when his daughter was going to cattle shed with meal for her mother and reached near the field of Lalji Mukhiya the petitioners and other accused person arrived and caught her with bad intention and when she started shouting, the informant and his son came to rescue her, the petitioners along with other accused persons assaulted them.

7. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although there is specific allegation against petitioner no.1 that he assaulted the informant and against petitioner no.2 that he assaulted the informant's son but the injury report of the injured persons suggest that injury is simple in nature caused by hard and blunt substance.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that both petitioners carries one criminal antecedent



other than the present one but fairly submits on the basis of paragraph-3 of the bail application that both the petitioners are on bail in the pending matters.

9. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 301 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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