

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15419 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- GOPALPUR District- West Champaran

1.

Dewraj Mukhiya S/O Vishwnath Mukhiya R/O Village- Mahmaddwa Purvi, Ward No. 13, P.S- Gopalpur, Dist.- West Champaran.
2.

Sita Devi W/O Dewraj Mukhiya R/O Village- Mahmaddwa Purvi, Ward No. 13, P.S- Gopalpur, Dist.- West Champaran.
3.

Chandrama Devi W/O Lalbahadur Mukhiya @ Lal Bahadur Mukhiya R/O Village- Mahmaddwa Purvi, Ward No. 13, P.S- Gopalpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

202-04-2025

Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners as well as Mr. Umesh Lal Verma, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 86 of 2024, F.I.R. dated 21.06.2024 for the offences punishable under Sections 341, 323, 324, 325, 504, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that one Rangila Mukhiya of the village had misbehaved with his sister for which a case was filed due to which Rangila Mukhiya absconded from the village and on protest Rangila

Mukhiya and his family members started abusing them and when it was objected by the informant, then the FIR named five accused persons including the petitioners started assaulting them.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is a case and counter case and it appears from the FIR itself that all the petitioners are named in the FIR, but there is no specific allegation of any assault or overt act against the petitioner nos. 1 and 3 and there is specific allegation of assault or overact on petitioner no. 2 namely, Sita Devi is that she assaulted by means of plate and the injury inflicted upon the injured person is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent and there is no specific allegation of assault and overact against the petitioner nos. 1 and 3 and the allegation on petitioner no. 2 is that she assaulted the informant by means of plate, but the injury inflicted to the informant is simple in nature, 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 Judicial Magistrate 1st Class, Bettiah in connection with Gopalpur P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS, 2023 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 tamper 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)

Jyoti Kumari/-

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