

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59266 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- ALOULI District- Khagaria

1. Baijnath Mukhiya @ Baidyanath Mukhiya, aged about 59 years, Male Son of Late Parmeshwar Mukhiya.
2. Aman Kumar, aged about 22 years, Male, Son of Baijnath Mukhiya @ Baidyanath Mukhiya, both are resident of Village- Ratnaha Ward No. 2, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Alauli P.S. Case No. 535 of 2023 instituted for the offences punishable under Sections 307, 286 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons with ten unknown miscreants forming unlawful assembly armed with weapons arrived in front of the house of brother of the informant and ordered him to withdraw the case lodged by the informant's brother.

4. Learned counsel for the petitioners submits that



petitioners are innocent have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. He further submits that at the time of occurrence these petitioners were not present at the place of occurrence. He next submits that the petitioners side and the informant side are own co-villagers and a land dispute attributed between the parties. He submits that during investigation the Investigating Officer has not found any fire arms on the place of occurrence and no any persons received any injury. He submits that there is no any overt act as alleged against the petitioners.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-III, Khagaria dated 26.06.2024, it appears that on the basis of written report of the informant namely Arvind Mukhiya, FIR has been registered under Sections 307, 286 and 506/34 of the Indian Penal Code against three accused persons including the present petitioners. It appears that all offences are bailable in nature except 307 of the Indian Penal Code. It also appears that on injury caused to any persons and no any intention appears at present stage of causing murder and the allegation against the petitioners are only firearm, so considering all these aspects of the matter, let



these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 535 of 2023, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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