

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77056 of 2024

Arising Out of PS. Case No.-232 Year-2023 Thana- MADHEPURA District- Madhepura

1. Manoj Kumar Mukhiya @ Manoj Kumar Son of Musharu Mukhiya Resident of Village- Murbaila Khopaiti, Ward No. 08, P.S.- Madhepura, District -Madhepura
2. Rajo Mukhiya Son of Musharu Mukhiya Resident of Village- Murbaila Khopaiti, Ward No. 08, P.S.- Madhepura, District -Madhepura
3. Musharu Mukhiya Son of Late Jittu Mallah Resident of Village- Murbaila Khopaiti, Ward No. 08, P.S.- Madhepura, District -Madhepura
4. Balram Kumar Mukhiya Son of Rajo Mukhiya Resident of Village- Murbaila Khopaiti, Ward No. 08, P.S.- Madhepura, District -Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Akash Anand, Advocate

For the Opposite Party : Mr.Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-03-2025 Petition for pre-arrest bail of petitioner no.4 has already been dismissed as withdrawn vide order dated 12.2.2025.

2. Heard learned counsel for the petitioners no. 1, 2 and 3 and the State.

3. Petitioners apprehend arrest in a case registered for the offence punishable under sections 447, 341, 323, 324, 504, 506/34 of the Indian Penal Code.

4. As per the prosecution case, on the alleged date and time of the occurrence, while the petitioners were constructing the house over dispute land, informant forbade them. Thereafter,



petitioner no.1 assaulted with bhala causing injury on the head and ear of the informant. When informant's son and cousin came to save him, accused persons assaulted them with lathi causing them several injuries.

5. It is submitted on behalf of the petitioners that due to land dispute, free fight took place between the parties in which both sides sustained injuries. There is case and counter case. Case filed by the petitioners' side is earlier in point of time. Petitioners claim clean antecedent.

6. Learned counsel for the State opposes the prayer for bail. He submits that one of the injuries caused by petitioner no.1 has been found to be grievous in nature. However, injuries caused by petitioners no.2 and 3 are simple in nature.

7. Considering the nature of injury caused by petitioner no.1, his prayer for bail is rejected.

8. Prayer for bail of petitioner no. 2 and 3 is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, be enlarged 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 Additional Chief Judicial Magistrate III, Madhepura in Madhepura Police Station Case No. 232 of 2023, subject to the



conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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