

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73579 of 2024

Arising Out of PS. Case No.-434 Year-2024 Thana- SIKARPUR District- West Champaran

1. Bachcha Mukhiya @ Bacha Mukhiya Son of Late Mahavir Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran
2. Janak Mukhiya Son of Bachcha Mukhiya @ Bacha Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran
3. Sugandhi Devi @ Suganti Devi Wife of Birgun Mukhiya @ Virgun Mukhiya @ Bhrigun Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran
4. Khelawan Mukhiya @ Khelavan Mukhiya @ Khelawan Bin Son of Late Mahavir Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran
5. Sita Devi Wife of Janak Mukhiya @ Baccha Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran
6. Pawan Mukhiya @ Pawan Kumar Son of Birgun Mukhiya @ Virgun Mukhiya @ Bhrigun Mukhiya Resident of Village - Shekhwaniya, Fulwariya, P.S. - Shikarpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vatsal Verma, APP
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-01-2025 Heard Mr. Vatsal Verma, learned counsel for the
petitioners and Mr. Bharat Bhushan, learned APP.

2. The petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 434 of 2024 for the offence punishable under sections 341, 323, 307, 324, 354, 379 read with Section 34 of the Indian Penal Code lodged on 28.06.2024 by the informant, Rekha Devi.



3. As per the prosecution story, the informant (lady) alleged that due to the land dispute, on the fateful day, the named accused persons came and attacked the informant's side. The allegation is as follows:

1) informant was assaulted on head by Birgun Mukhiya by axe;

ii) Pawan Mukhiya assaulted the elder brother-in-law, Umesh Mukhiya with Garasa injuring the hand and the head,

iii) Khelawan Mukhiya assaulted elder brother-in-law, Mahangu Mukhiya on the head with farsa causing injury,

iv) the father-in-law, Shankar Mukhiya was assaulted by Bachcha Mukhiya with rod on the head.

4. The allegation is that due to the said land dispute, they keep on assaulting and in the process they also outraged the modesty of the informant. As the locals intervened, the injured were shifted to Narkatiaganj Government Hospital and thereafter, the GMC Hospital, Bettiah, whereafter, the FIR.

5. Learned counsel for the petitioners submit that there is a case and also subsequently the complaint case by the informant's side, though the same is belated. Further, the injuries that have come against the informant's side is part of Annexure-



P/3 which shows that the lady has suffered simple injury. The last submission is that one of the accused, **Birgun Mukhiya** has been granted bail in **Cr. Misc. No. 76098 of 2024**.

6. Learned APP opposes the prayer submitting that so far as petitioner no.1, **Bachcha Mukhiya @ Bacha Mukhiya**, petitioner no. 4, **Khelawan Mukhiya @ Khelavan Mukhiya @ Khelawan Bin** and petitioner no.6, **Pawan Mukhiya @ Pawan Kumar** are concerned, the roles have been assigned to them and only because the injury is/are simple in nature, the kind of assault they made, they do not deserve any relief.

7. Having heard the parties and perusal of records, so far as petitioners no. 1, **Bachcha Mukhiya @ Bacha Mukhiya**, petitioner no. 4, **Khelawan Mukhiya @ Khelavan Mukhiya @ Khelawan Bin** and petitioner no.6, **Pawan Mukhiya @ Pawan Kumar** respectively are concerned, allegations are there against them and it would be appropriate that they take bail. The anticipatory bail application of the aforesaid petitioners stand rejected.

8. So far as the petitioner no. 2, **Janak Mukhiya**, petitioner no.3, **Sugandhi Devi @ Suganti Devi** and petitioner no.5. **Sita Devi** are concerned, two of them are ladies, they do not have criminal antecedents too, there is one



allegation of assault on Janak Mukhiya, no role has been assigned to him, though his name has come in the list of accused, in that background, this Court is inclined to extend them relief.

7. Let the petitioners, namely, **petitioner no. 2, Janak Mukhiya, petitioner no.3, Sugandhi Devi @ Suganti Devi and petitioner no.5. Sita Devi**, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI (In-Charge) Bettiah, West Champaran in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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